Exhibit A

DRAFT
Development Code Update
February 1, 2023

Prepared by:
City of Bend Planning Division

File #: PLTEXT20220451

Note:
Text in underlined typeface is proposed to be added
Text in ~~strikethrough~~ typeface is proposed to be deleted
***Indicates where text from the existing code has been omitted because it will remain unchanged.
Staff comments are ***bold and italicized***

Bend Comprehensive Plan and Bend Development Code

Replace Bend Urban Area Transportation System Plan with Transportation System Plan.

Bend Comprehensive Plan

***

Chapter 7: Transportation Systems

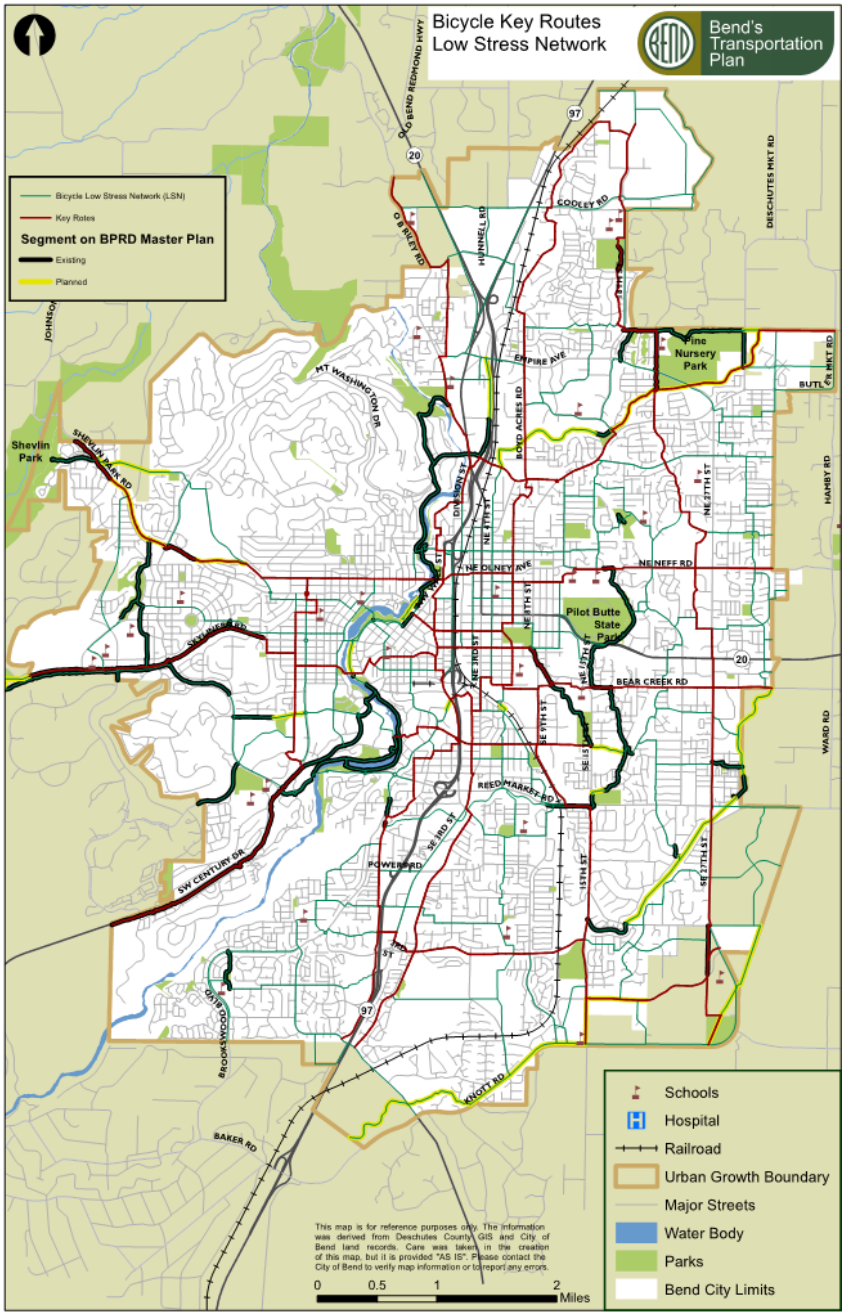
***

Figure 7-2

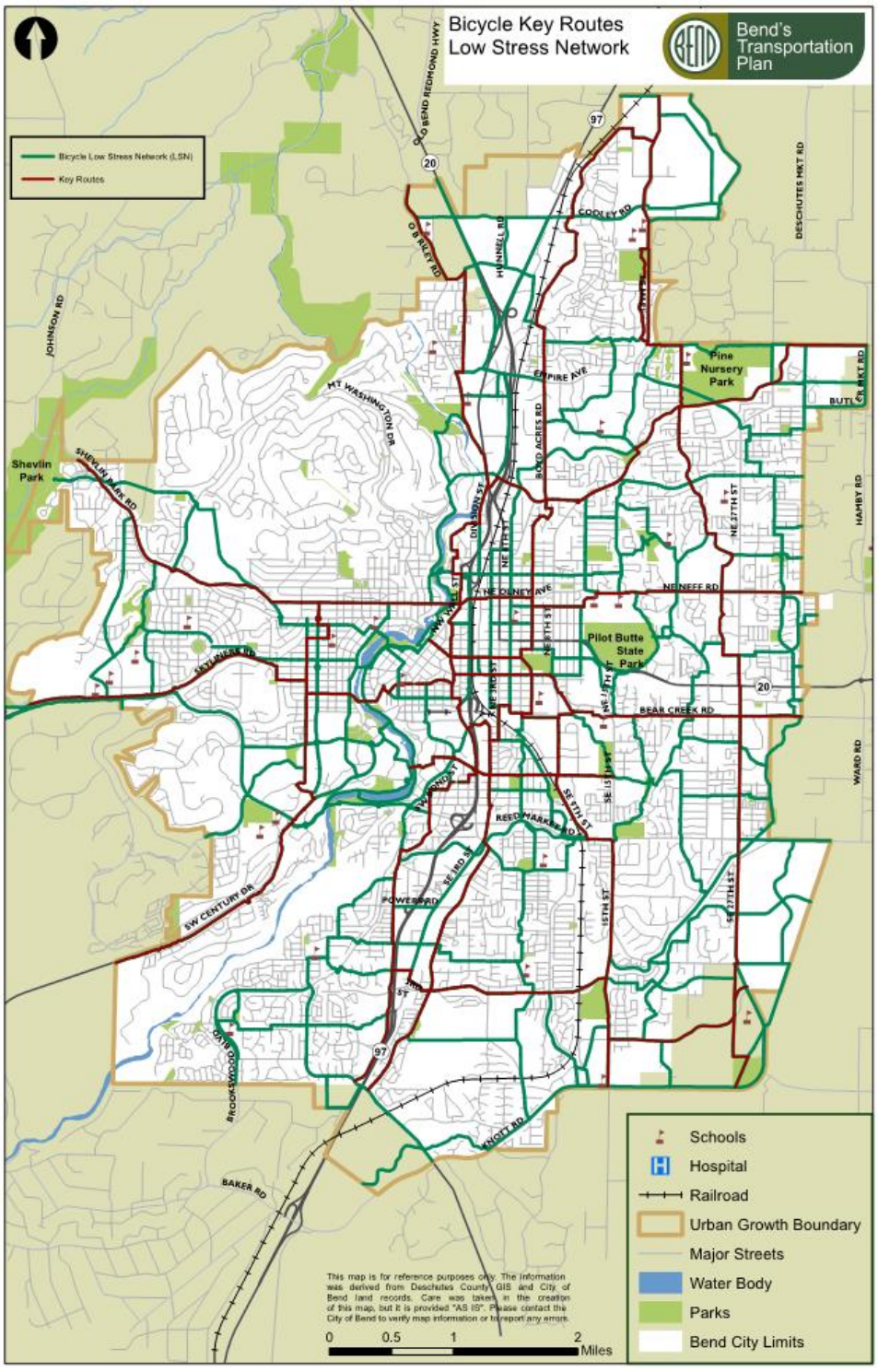
Key Walking and Bicycling Routes and Low Stress Network Map

(Update Figure 7-2, Bicycle Key Routes Low Stress Network to replace the yellow and black BPRD routes to green so that the lines are all the same color.)

Delete Following Map



Add the Following Map

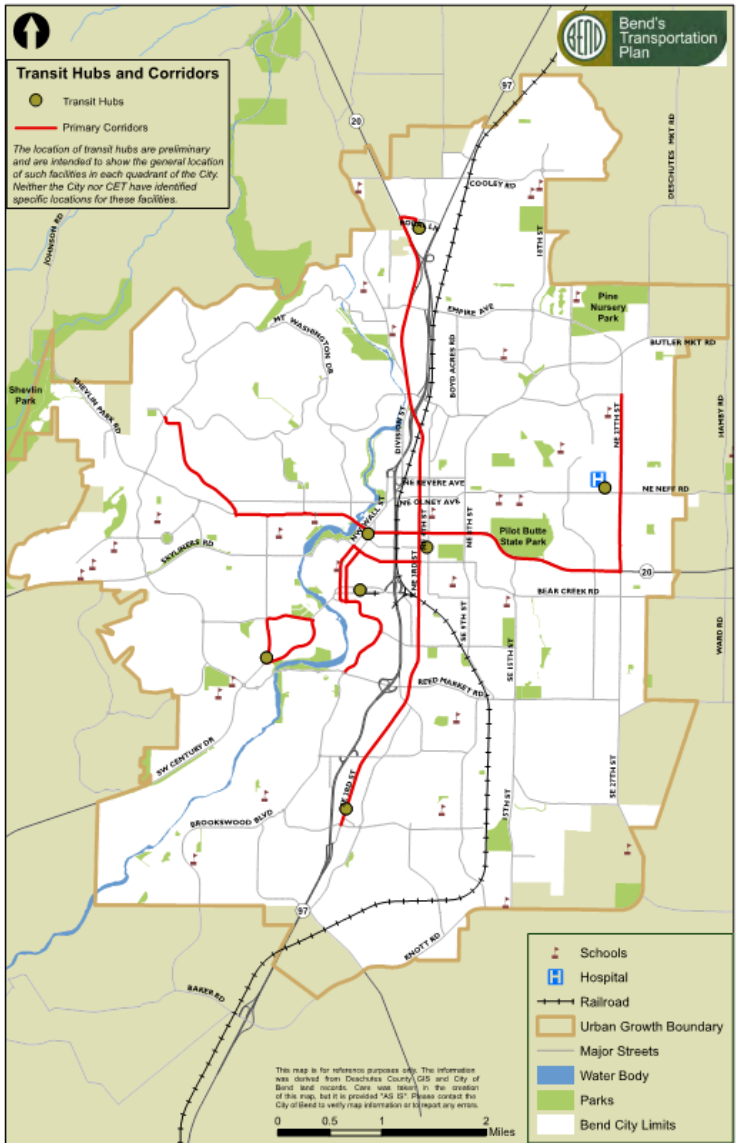

Bicycle Key Routes
Low Stress Network
Bend's Transportation Plan
Bicycle Low Stress Network (LSN)
Key Routes
Pine Nursery Park
Shevlin Park
Pilot Butte State Park
Schools
Hospital
Railroad
Urban Growth Boundary
Major Streets
Water Body
Parks
Bend City Limits
0 0.5 1 2 Miles

Note: Any TSP and CP map that illustrates a proposed low stress route may be updated administratively by staff upon the adoption of a master plan and/or construction/completion of that route that follow the adopted alignments and/or as-built alignments, as much as practical, and shall not constitute a land use decision.

Figure 7-3. Mobility Hub and Primary Transit Corridor Map

(Replace Figure 7-3, Mobility Hub and Primary Transit Corridor Map with an updated map adopted in the Mobility Hub Feasibility Study Final Report, which will be amended into CET's Transit Master Plan as a technical appendix.)

Delete Following Map



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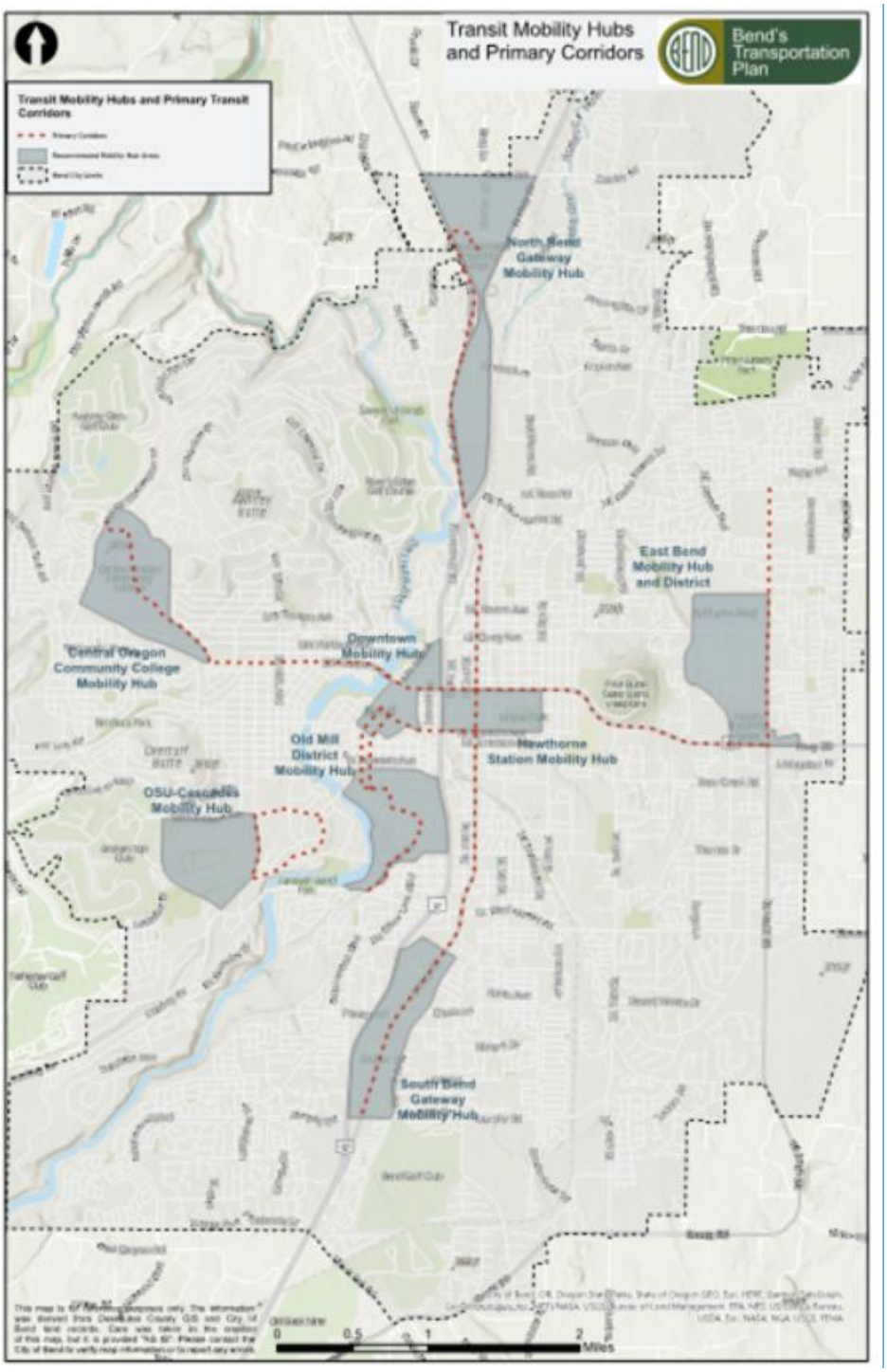

Note: ~~The location of transit hubs are preliminary and are intended to show the general location of such facilities in each quadrant of the City. Neither the City nor CET have identified specific locations for these facilities in each quadrant of the City.~~ The specific location of mobility hubs is preliminary and are intended to

be located within each of the eight recommended mobility hub areas identified through the Bend Mobility Hub Feasibility Study. The City and CET will coordinate on specific locations for these facilities as they are identified and developed. The map may be updated administratively by staff as mobility hubs are built and shall not constitute a land use decision.

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Chapter 9:

Community Appearance

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9-6 ~~The city shall develop designs for arterial and collector streets that include landscaped planter strips and medians. Such designs shall include trees in the planter and median strips when practical and safe.~~ The city will develop landscape designs for arterial and collector street medians that include hardscape and/or waterwise designs with native plantings and arterial and collector planter/buffer strips that include hardscape with tree wells or waterwise designs with native plantings, trees or other vegetation.

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Chapter 11

GROWTH MANAGEMENT

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Master Planning Policies

11-51 Residentially designated land within master plans must meet higher minimum density standards than established for the residential plan designations generally and must provide for a variety of housing types. The City will set appropriate standards in the Development Code for housing mix and density for master plans in each residential zone/plan designation. Such standards will ensure minimum densities and minimum housing mix that are no less than those listed in Table 11-1.

Table 11-1. Residential Master Plan Minimum Density and Housing Mix

Residential District	Implementing Zone(s)	General Density Range*	Master Plan Minimum Density *	Master Plan Minimum Housing Mix**	
Urban Low Density	Residential Low Density (RL)		Min: 1.1 Max: 4.0	2.0	10%
Urban Standard Density	Residential Standard Density (RS)		Min: 4.0 Max: 7.3	5.11	10%
Urban Medium Density	Residential Medium Density (RM)		Min: 7.3 Max: 21.7	13.02	67%
	Medium–10 Density Residential (RM-10)		Min: 6.0 Max: 10.0	6.0	67%
Urban High Density	Residential High Density (RH)		Min: 21.7 Max: 43.0	21.7	90%

*****Density is expressed as dwellings per gross acre. See Bend Development Code for methodology to calculate minimum and maximum densities and for exemptions to the general density ranges.

******Housing mix is expressed as the minimum percent of units that must be townhomes, cottage developments, duplexes/triplexes/quadplexes and/or multi-units. See Bend Development Code for definitions of housing types.

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Chapter 5

Transportation Projects and Programs

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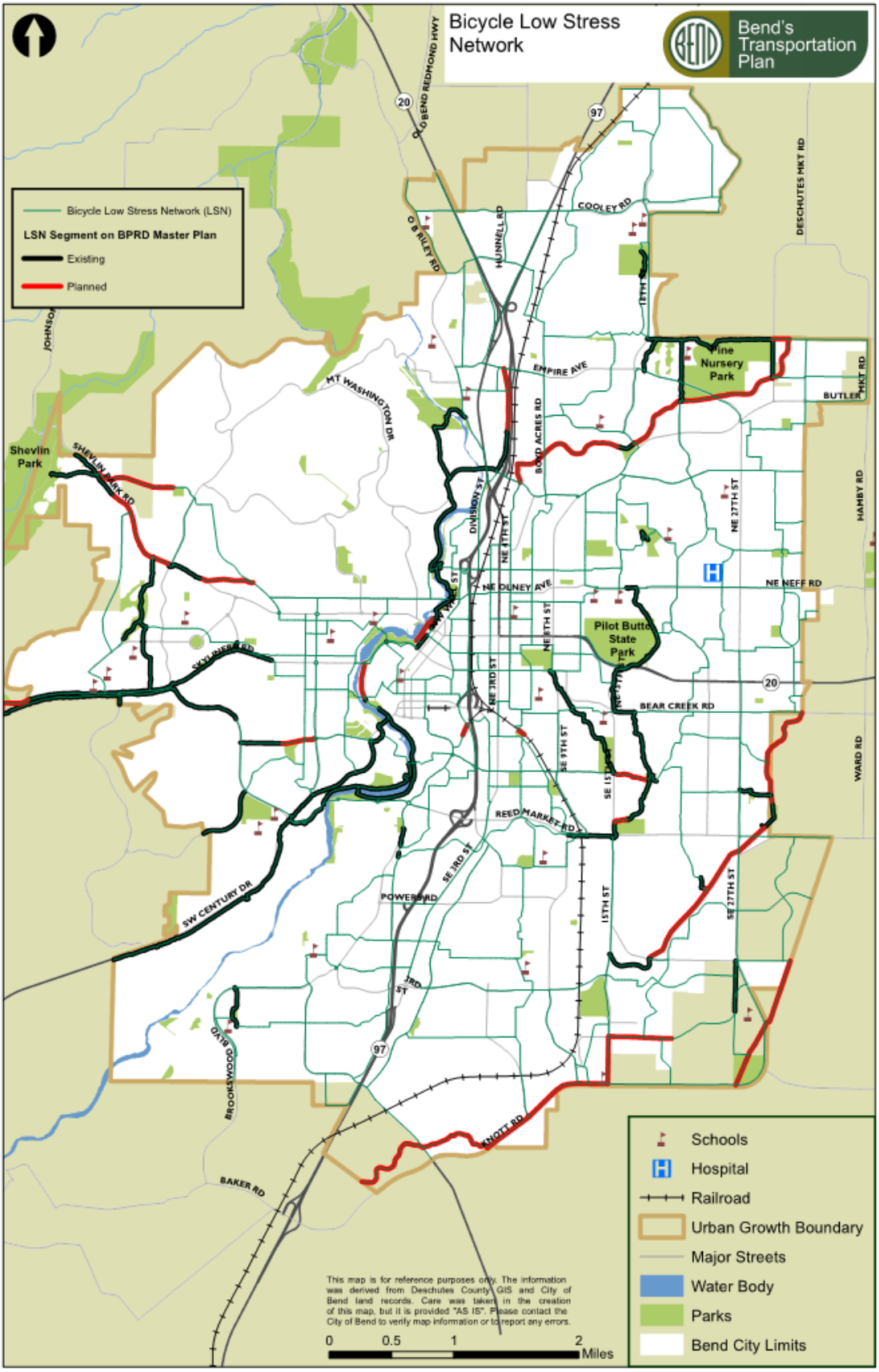
(Update Figure 5-1, Low Stress Bicycle Network to replace the BPRD items highlighted in red and black to green so that the lines are all the same color.)

Delete Following Figure 5-1


Bicycle Low Stress Network
Bend's Transportation Plan
Bicycle Low Stress Network (LSN)
LSN Segment on BPRD Master Plan
Existing
Planned
Shevlin Park
Pine Nursery Park
Pilot Butte State Park
Schools
Hospital
Railroad
Urban Growth Boundary
Major Streets
Water Body
Parks
Bend City Limits
This map is for reference purposes only. The information was derived from Deschutes County GIS and City of Bend land records. Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Bend to verify map information or to report any errors.
0 0.5 1 2 Miles

Add Following Figure 5-1

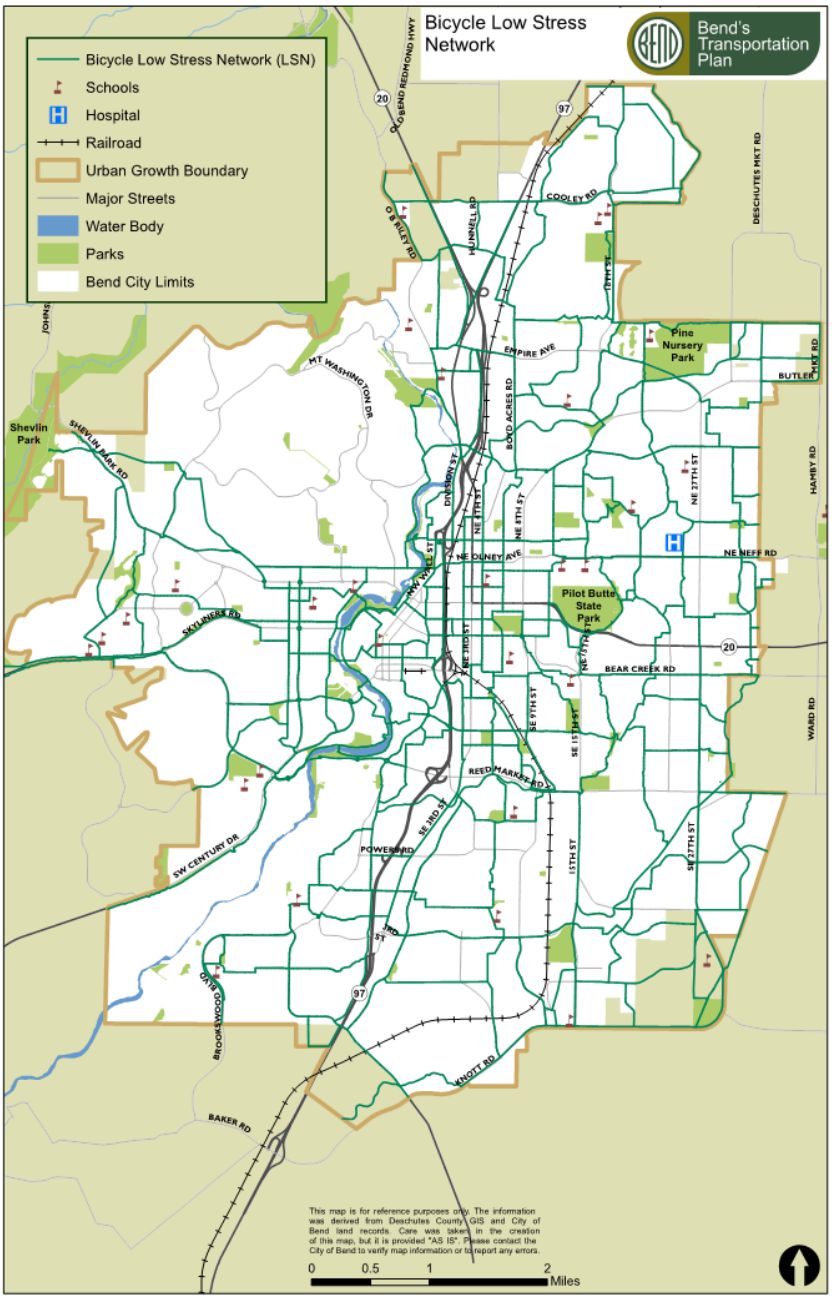


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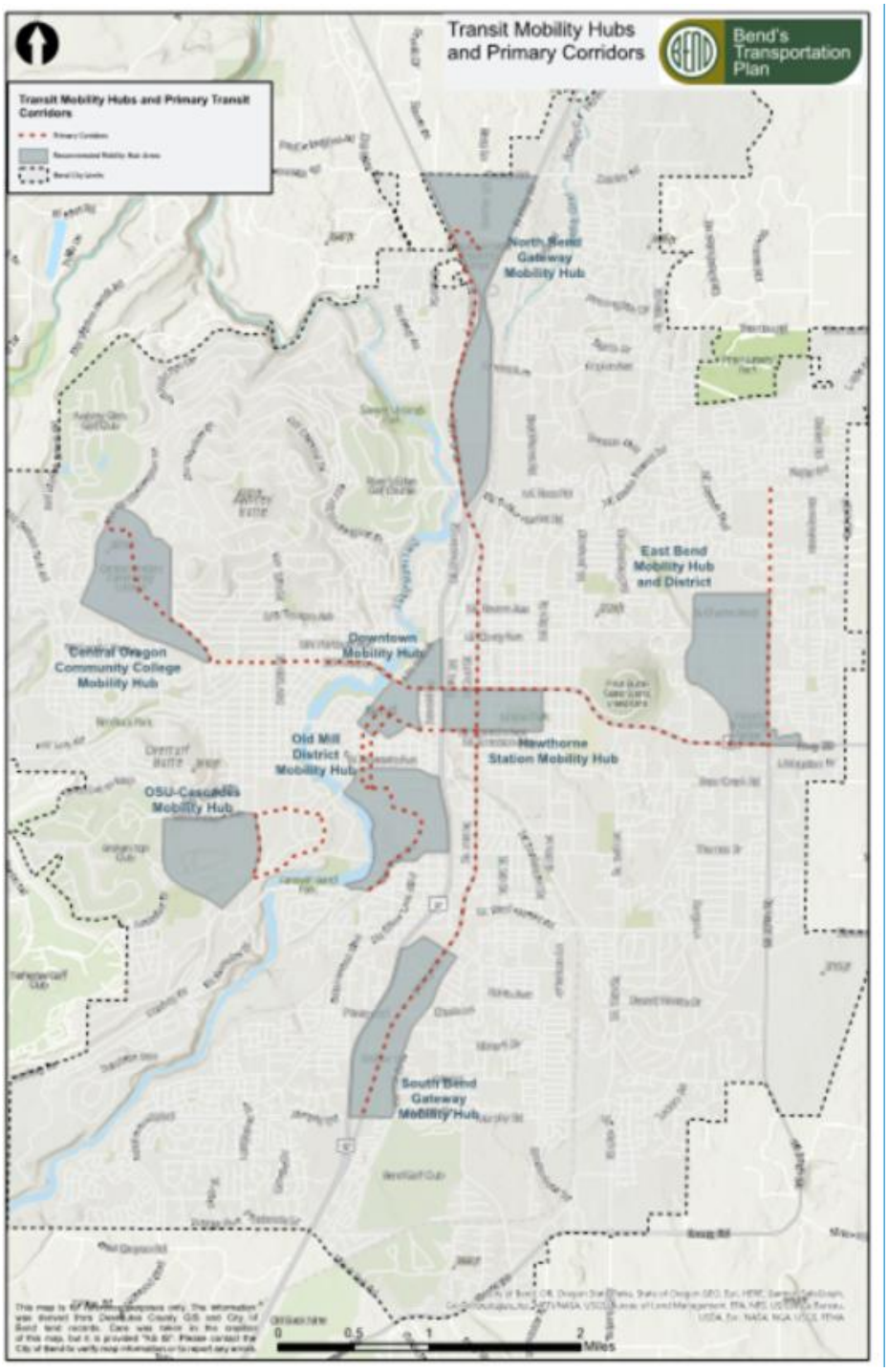
Figure 5-2. Primary Transit Corridors & Mobility Hub Locations

(Replace Figure 5-2, Primary Transit Corridors & Mobility Hub Locations with an updated map adopted in the Mobility Hub Feasibility Study Final Report, which will be amended into CET's Transit Master Plan as a technical appendix.)

Delete Following Map

Add Following Map



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Chapter 1.2
DEFINITIONS

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Access corridor means a separate or shared travel way for pedestrians and bicyclists to minimize travel distances as well as connect within and between subdivisions, planned unit developments, residential areas and commercial centers, major employment areas, transit stops, or within and between ne arby neighborhood activity centers such as schools, parks, and convenience shopping. The following are typical types of access corridors:

1. **Multi-use path** means a paved way, unless otherwise specified, ~~(typically 10 to 12 feet wide)~~ that is ~~physically~~ separated from ~~motorized vehicular traffic~~ the roadway; intended to serve as ~~the active transportation link~~ a low stress facility for ~~people; typically shared with pedestrians, skaters, and other nonmotorized users~~ pedestrians and bicyclists. ~~See also: "Connector multi-use path," "Primary multi-use path."~~ Multi-use paths include connector multi-use paths, primary multi-use paths and multi-use trails and may also have the same meaning as shared use paths where that term is used.
   a. **Connector multi-use path** means a type of multi-use path that minimizes travel distances within and between residential areas and commercial centers, major employment areas, transit stops, or within and between nearby neighborhood activity centers such as schools and parks. Often connects to primary multi-use paths or trails.
   b. **Primary multi-use path** means a type of multi-use path that is part of the City-wide non-vehicular system that is illustrated on the Transportation System Plan Figure 5-1, Bicycle Low Stress Network and/or as identified in the Engineering standard cross-sections.
   c. **Multi-use trail** means a multi-use path that is on public property open to the public or on private property and in a public access easement; and is managed by Bend Parks and Recreation District, another agency, or private party.
2. **Bike lane** means a portion of the roadway ~~(typically four to six feet wide)~~ that has been designated by permanent ~~striping and~~ pavement markings or signage for the exclusive use of ~~bicycles~~ bicyclist. A bike lane may be lane-only, buffered, separated, or other types as defined in the City of Bend Standards and Specifications.

~~3. **Shoulder bikeway** means the paved shoulder of a roadway that is four feet or wider; typically shared with pedestrians in areas without curbs and sidewalks.~~

~~4.~~3. Shared roadway means a ~~travel lane~~ roadway that is shared by bicyclists and ~~motor vehicles~~ and where there are no sidewalks or multi-use paths it is also shared by pedestrians. Shared roadways include neighborhood greenways.

~~**4.Multi-use trail** means an unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians *(Relocated to multi-use path definition)*~~

***

Alley means a ~~public or private~~ narrow way serving more than one lot or parcel primarily for vehicular access to the back or side of properties.

***

Bicycle facility means a general term denoting improvements and provisions made to accommodate ~~or encourage bicycling~~ bicyclists ~~including parking facilities and all bikeways~~.

Bicycle low stress network (LSN) means a mapped system of connected bicycle low stress routes for bicyclists of all ages and abilities. See Transportation System Plan Figure 5-1, Bicycle Low Stress Network for identified routes. ***(From page 60 of TSP)***

Bicycle low stress route means a route with specific infrastructure to achieve a Level of Traffic Stress 1 or 2 bicycling facility (as defined in the City of Bend Standards and Specifications) to accommodate people of all ages and abilities. The route may include, but is not limited to, a neighborhood greenway, multi-use path, buffered or separated bike lanes, trail or access corridor alignments. The routes are identified in the adopted Transportation System Plan Figure 5-1, Bicycle Low Stress Network.

***

Bicyclist means people riding bicycles or other devices or vehicles that operate at a bicycle speed and scale.

Bikeway means any road, path or way that is in some manner open to ~~bicycle travel~~ bicyclists, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

***

Complete street means a street that includes bicycle facilities, walking facilities and facilities for vehicles (including transit) and is designed to serve people of all ages and abilities traveling safely using a variety of modes. ***(Consistent with TSP Policy 40 and CP policy 7-43. The City's policy is that all streets should be "complete streets." A complete street is one that is designed to allow everyone to travel safely and comfortably along and across the street by all travel modes. Arterials, collectors, and most local streets will have buffered sidewalks. Arterials, collectors, and select local streets will have facilities in compliance with the Low Stress Network and the Pedestrian Master Plan.)***

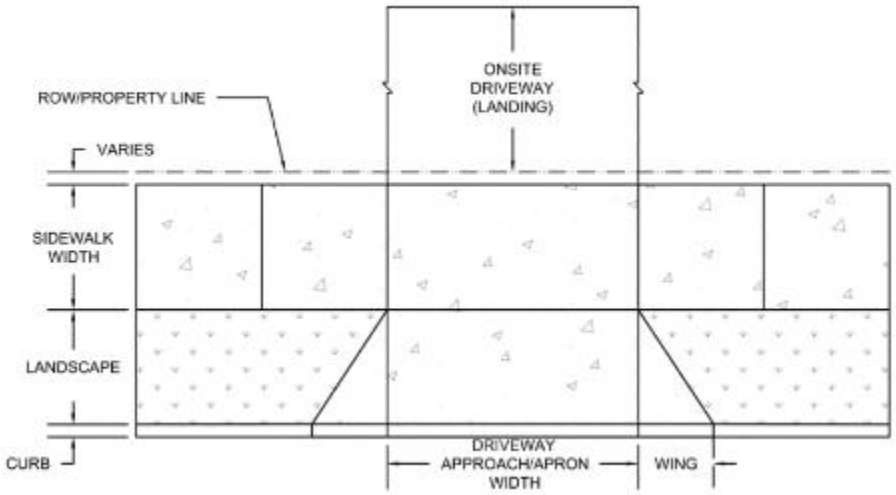
***

~~**Connector multi-use path** means a multi-use path for pedestrians and bicyclists that minimizes travel distances within and between residential areas and commercial centers, major employment areas, transit stops, or within and between nearby neighborhood activity centers such as schools and parks.~~ (***Relocated to multi-use path definition)***

***

Driveway (landing) means an area ~~that provides vehicular access to a site, except for public and private streets and alleys. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking lots, or parking spaces.~~ of land intended for vehicular ingress and egress to a site, extending into the site from a street or alley.

Driveway apron/approach means the area between the curb and the property line that is designed and constructed to provide vehicular ingress and egress. Where there is no curb, the driveway apron/approach means the area between the pavement or unpaved travel lane and the property line that provides vehicular ingress and egress. ~~the edge of a driveway where it abuts a public way, usually constructed of concrete.~~



***

Flex mobility space means an area designated for shared use by some combination of transportation modes including Cascades East Transit vehicles, small-wheeled vehicles (e.g., bikes, e-bikes, e-scooters, etc.), transportation network company (TNC) vehicles and modular or permanent electric vehicle infrastructure.

***

Frontage means that portion of a parcel or lot of property that abuts a ~~dedicated public~~ street or highway ~~or an approved private street or shared court~~ ~~private access drive or tract~~. See also BDC Chapter 3.8, Development Alternatives for other meanings of frontage.

***

Middle housing means duplexes, triplexes, quadplexes, cottage ~~cluster~~ developments, and townhouses. ***(Cottage development means a cottage housing development or a cottage cluster development. See BDC 3.8.500, Cottage Housing Development, and BDC 3.8.900, Cottage Cluster Development.)***

***

Mobility hub means a physical center that co-locates multiple transportation modes, such as transit, walking, bicycling and shared mobility services along with travel information and related amenities. See BDC 3.6.300(D).

***

Needed housing means all housing on land zoned for residential use or mixed residential and commercial use. Needed housing on a discretionary track refers to a needed housing development that at the request of the applicant is not subject to clear and objective standards.

***

Neighborhood greenway means a local street that is designated and approved by the City as one type of facility that meets the requirements of the Bicycle Low Stress Route where vehicles and bicyclist share the roadway.

***

Pedestrian means people walking, using mobility devices, or using other devices that operate at a pedestrian speed and scale.

Pedestrian facilities means a general term denoting improvements and provisions made to accommodate or encourage people walking, using mobility devices, or using other devices that operate at a pedestrian speed and scale, including such improvements as sidewalks, pathways, walkways, access ways, crosswalks, ramps, paths, and trails.

***

Primary frontage means that portion of a lot or parcel of property that abuts a ~~dedicated public~~ street~~,~~ or highway ~~or an approved private street~~, and is the frontage with the primary public or customer entrance.

***

~~**Primary multi-use path** means a multi-use path that is part of the more significant City-wide trail system that is illustrated on the Bend Urban Area Bicycle and Pedestrian System Plan.~~ (***Relocated to multi-use path definition)***

***

Shared court means ~~an infill~~ a development with dwelling units on separate lots that may front onto a courtyard-like private access drive designed to accommodate – within the same circulation space – access for pedestrians, bicyclists and vehicles to abutting properties. See BDC 3.8.1000.

***

Shopping street means a ~~public or private~~ street or drive designed with the elements of a pedestrian-oriented public street: such as buildings with close orientation to the street, on-street parking, wide sidewalks, street trees, and pedestrian-scale lighting. See BDC Chapter 2.2, Commercial Zoning Districts (CB, CC, CL, CG).

***

Sidewalk means a paved space ~~usually~~ typically within the street right-of-way or public access easement~~designed and approved by the City~~, and designated primarily for the movement of pedestrians~~, and meeting the requirements of the Federal Americans with Disabilities Act~~. A sidewalk is not a multi-use path or a private on-site walkway.

***

Street access means safe and efficient passage for pedestrians, bicyclists and vehicles to circulate from private and public property through a connected street system. See BDC 3.1.400.

~~**Street connectivity** means street or road connections or intersection within a specific geographic area generally achieved through the use of a grid street pattern.~~

***

Street or road means a public ~~or private~~ thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, mid-block lane, shared lane, T-court or shared court private access drive, which affords access to two or more properties including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

The types of streets are ~~classified as~~ identified in the Bend Transportation System Plan and are listed below in the highest to lowest classification:

1. **Expressway** means a major highway that is designed with limited access.

2. ~~**1. Arterial** means a restricted access street of substantial continuity which is primarily a traffic artery for intercommunication among large areas, and is designated by the City of Bend's Transportation System Plan. These include principal, major and minor arterials.~~

Arterial means a complete street that serves as a main route connecting different parts of the City with limited or prohibited direct street access to individual properties and includes sidewalks/multi-use paths and bikeways. Arterials are designated by the City of Bend's Transportation System Plan as either minor or major.

Major arterial includes higher traffic volumes and may have higher speeds than minor arterials, as well as potential for multiple travel lanes for vehicles.

Minor arterial includes moderate traffic volumes and speeds. Minor arterials may include on-street parking.

3. ~~**2. Collector** means a restricted access street supplementary to the arterial street system used or intended to be used principally for the movement of traffic, bicyclists, and pedestrians between arterials and local streets, and designated by the City of Bend's Transportation System Plan. These include major collectors.~~

   Collector means a complete street that provides a connection between local streets and higher capacity streets such as arterials. Collectors typically have higher vehicular traffic volumes and speeds than local streets, but lower vehicular volumes and speeds than arterials, and include sidewalks/multi-use paths and bikeways. Collectors are classified as minor or major in the City of Bend Standards and Specifications.

4. ~~**3. Cul-de-sac** means a short street having one end open to traffic and terminated by a circular vehicle turnaround. Cul-de-sacs include partial cul-de-sac bulbs or "eyebrows" designed and developed according to City standards.~~

5. ~~**4. Expressway** means a major highway with limited access that is designed for fast travel.~~

6. ~~**5.** **Frontage road** means a minor street parallel to an major arterial or expressway providing access to abutting properties, but protected from through traffic.~~

7. ~~**6. Local** means a street intended primarily for access to abutting properties.~~

   Local means a street designed primarily to provide access to individual properties which is not designated as a collector, arterial or expressway.

8. ~~**7. Mid-Block Lane and T-courts.** See BDC 3.8.400, Infill Development.~~ **Cul-de-sac** means a short street having one end open to traffic and terminated by a circular vehicle turnaround. Cul-de-sacs include partial cul-de-sac bulbs or "eyebrows" designed and developed according to City of Bend Standards and Specifications.

(Revisions are consistent with the TSP)

****

Tract, private/public means a piece of land in an approved partition or subdivision that is set aside from the created lots or parcels for dedication to the public, a homeowners' association, or other entity (e.g., for open space, future development, recreation facilities, sensitive lands, ~~private streets or~~ private alleys, shared court private access drives, or other similar purposes).

****

Traffic calming means a design or set of street design features, such as traffic circles, chicanes, curb bulb-outs, chokers, or neck-downs, used to slow traffic, reduce pedestrian crossing distances, ~~define areas of pedestrian travel,~~ and discourage nonlocal traffic.

Traffic control means any sign, signal, roundabout, median or other device placed, operated or erected under authority of a road authority, as defined by State law, for the purpose of guiding, directing, warning or regulating vehicular, bicyclist or pedestrian traffic.

****

Transit-oriented development means development at or within one-fourth mile walking distance of a transit center, transit stop, or station. Development or design of the site places a priority on facilitating safe and convenient pedestrian and bicyclist circulation and access, reducing automobile reliance and parking needs, and minimizing conflicts between vehicles, bicyclist and pedestrians.

***

Chapter 2.1

RESIDENTIAL DISTRICTS (UAR, RL, RS, RM-10, RM AND RH)

***

2.1.200 Permitted and Conditional Uses.

***

C. Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to BDC Chapter 5.2, except as otherwise specified in this section.

1. ~~Existing single-unit detached dwellings, single-unit courtyard dwelling units, and manufactured home parks~~ Existing dwelling units that were lawfully established in their current location ~~prior to the adoption of this code~~ are treated as permitted uses in the ~~RH~~ residential ~~Z~~zones unless originally approved through a conditional use permit, in which case they must remain subject to any applicable conditions of approval. Such uses are not subject to BDC Chapter 5.2 unless otherwise nonconforming.

***

Table 2.1.200 – Permitted and Conditional Uses
(All other uses in Table 2.1.200 remain the same)

Land Use	RL	RS	RM-10	RM	RH	UAR
Residential						
Cottage. Cottage Housing Development, see BDC 3.8.500	**N**	**P**	**P**	**P**	**N**	**N**
Cottage Cluster Development, see BDC 3.8.900	**P**	**P**	**P**	**P**	**N**	**N**
Public and Institutional						
***Mobility Hub**	**P**	**P**	**P**	**P**	**P**	**N**

***

2.1.300 Setbacks.

***

C. Front Setbacks.

1. RL and UAR Districts. The minimum front setback is 20 feet.

   a. Exception. On corner or through lots with two frontages within a platted ~~subdivision~~ land division, one front setback may be 10 feet; provided, that ~~the~~ a garage and/or carport with a street access is set back a minimum of 20 feet. ***(Amended by the Planning Commission on December 12, 2022)***

2. RS, RM-10, RM, and RH Districts. The minimum front setback is 10 feet. ~~Garages and carports must be accessed from alleys where practical, otherwise~~ gGarages and carports with street access must be set back a minimum of 20 feet from the front property line. ~~In this instance, the term "practical" means that there is an existing or platted alley that could be used in its current condition or improved to provide access.~~ ***(This section is about setbacks. Alley access requirements are addressed in* BDC 2.1.1100.C)**

***

F. Additional Setback Requirements.

***

2. Townhomes. ~~Side s~~Setbacks for lot lines where townhouse units are attached is zero. **(Clarifies that anytime townhomes are attached, the setback is zero.)**

***

2.1.950 Design Standards (Triplex, Quadplex and Townhome).

A. Applicability. This section applies to all of the following types of buildings:

1. Triplex.

2. Quadplex.

3. Townhome.

For purposes of this section, a street also means a tract for Mid-Block Developments and T-Courts.

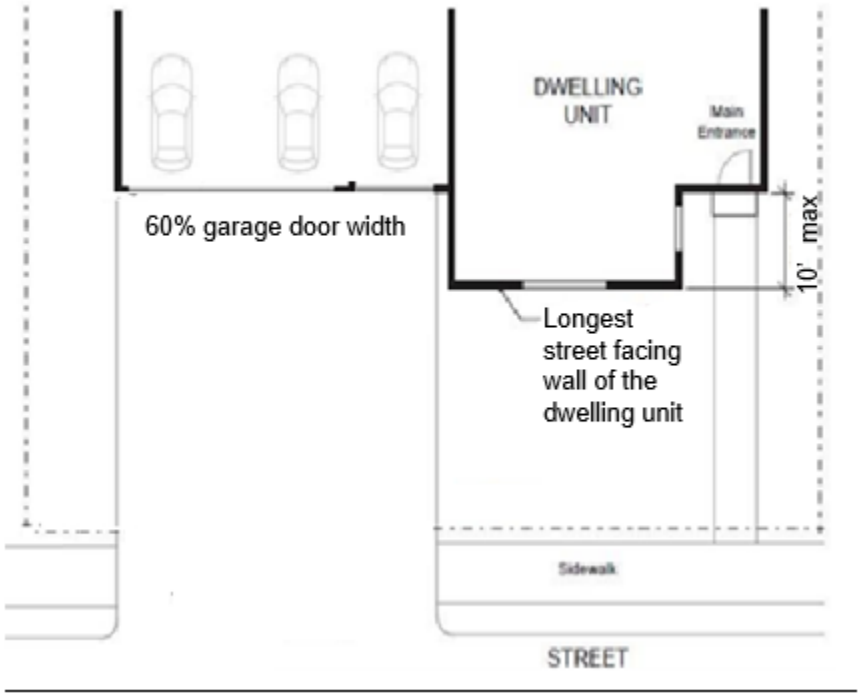
B. Garage Door Standards. The maximum combined garage door width facing the street is 50 percent of the total building width. As shown in Figure 2.1.950, the maximum combined garage door width facing the street may be up to 60 percent of the total building width if the front door entrance is within 10 feet of the longest street-facing wall of the dwelling unit.

1. Exemptions to Garage Door Standards.

a. Existing garages legally constructed prior to November 5, 2021.

b. When the side or rear wall of the garage faces the street, provided the standards of BDC 2.1.300(F)(1)(a) are met.

Figure 2.1.950.B.



C. Front Door Orientation Standards. The following front door orientation standards are required for lots and parcels with frontage onto a ~~public or private~~ street. For triplexes and quadplexes, these standards are only required to be met for one of the dwelling units. The entrance must either:

1. Face the street;

2. Be at an angle of up to 45 degrees from the street;

3. Face a common open space that abuts the street and is abutted by dwellings on at least two sides; or

4. Open onto a porch. The porch must be at least 20 square feet in area and have at least one entrance facing the street or have a roof. A covered walkway or breezeway is not a porch.

5. Exemptions to Orientation Standards.

   a. Triplexes, quadplexes and townhomes created by a conversion of an existing dwelling unit.

   b. Dwelling units located on the flag portion of a flag lot.

D. Windows and Doors. A minimum of 15 percent of the area of all street facing facades must include windows and/or doors. Gabled areas and garage doors (in blue) and roofs (in white) are not included in the base wall calculation when determining the minimum 15 percent calculation for windows/door areas. Facades separated from the street property line by a dwelling are exempt from meeting this standard.

***

2.1.1000 Multi-Unit Residential Districts (RM, RH)

***

C. Housing Mix Standards in the RM District. In order to ensure a mix of housing types that meets the City's overall housing needs, in addition to minimum and maximum density standards in BDC 2.1.600, at least 50 percent of the total housing units in residential developments on any property or combination of properties between three acres and 20 acres in the RM District must be ~~duplexes, triplexes, quadplexes, townhomes,~~ middle housing and/or multi-unit dwellings. The standards of BDC 4.5.200(E) apply to properties of 20 acres in size and greater. ***(Revised standard to allow cottage developments to count as a housing mix. The revised definition of middle housing includes both types of cottage developments [cottage cluster and cottage housing development]).***

***

2.1.1100 Other Design Standards

A. ~~On-site surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property.~~ Development must comply with BDC 3.5.600, On-Site Drainage.

***

C. Garage and carports must be accessed from abutting alleys ~~where practical. In this instance, the term "practical" means that there is an existing or platted alley that could be used in its current condition or improved to provide access~~. See BDC 3.1.200.E, Lot and Parcel Access and BDC 3.1.400.F, Access Management Requirements.

***

Chapter 2.2

Commercial Zoning Districts (CB, CC, CL, CG)

***

2.2.300 Permitted and Conditional Uses

***

Table 2.2.300 – Permitted and Conditional Uses
(All other uses in Table 2.2.300 remain the same)

Land Use	CB	CC	*CL	CG
Public and Institutional				
***Mobility Hub**	**P**	**P**	**P**	**P**

***

2.2.400 Development Standards.

The following table provides the general numerical development standards within the Commercial Districts. Additional standards are contained in subsections (A), (B) and C) of this section.

Table 2.2.400. Commercial Zoning District Development Standards

(All other standards in Table 2.2.400 remain the same)

STANDARD	CB	CC	CL	CG
Maximum Front Yard Setback, see note (1) below and subsection (~~C~~ A) of this section ***(Typo)***				

***

2.2.500 Site Layout and Building Orientation.

***

C. Exterior Site Layout. In addition to meeting the access, circulation and lot design standards of BDC Chapter 3.1, new commercial developments ~~shall~~ must comply with the following standards:

1. Usable pedestrian space ~~shall~~ must be provided. Usable pedestrian space means a plaza or extra-wide pathway/sidewalk near one or more building entrances. Each development ~~shall~~ must provide street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in selected areas) to improve the pedestrian environment along internal streets or drives.

2. Where multiple-building development is contemplated on parcels or lots 10 acres or greater in size, at least one ~~private or~~ public street ~~shall~~ must be designed to meet the specifications of a local street and be designed as a "shopping street." A "shopping street" ~~shall~~ must include the following elements:

•Buildings placed at the sidewalk along the shopping street;

•Wide sidewalks (e.g., eight to 15 feet wide);

•On-street parking;

•Street trees in tree wells;

•Pedestrian-scale lighting;

•Weather protection and similar pedestrian amenities.

***

Chapter 2.3

MIXED-USE ZONING DISTRICTS (ME, MR, PO, MU, AND MN)

***

2.3.200 Permitted and Conditional Uses.

***

Table 2.3.200. Permitted and Conditional Uses

(All other uses in Table 2.3.200 remain the same)

Land Use	ME	MR	PO	MU	MN
Public and Institutional					
*Mobility Hub	P	P	P	P	P

***

2.3.300 Development Standards.

***

A. Setbacks. Building setback standards provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building footprint to the respective property line. The setback standards outlined in Table 2.3.300 apply to all new buildings and any building expansion, including primary structures and accessory structures.

1. Front Yard Setbacks. In some of the Mixed-Use Districts, buildings are placed close to the street to create a vibrant pedestrian environment, slow traffic, provide a storefront character to the street, support future transit service, and encourage walking. The setback standards are flexible to encourage

public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for walkable Mixed-Use Districts.

***

d. Multiple Frontage Lots. For buildings on sites with more than one frontage or through lots, the ~~minimum~~ maximum front yard setback standards in Table 2.3.300 shall be applied as follows:

***

Chapter 2.4

INDUSTRIAL ZONING DISTRICTS (IG, IL)

***

2.4.300 Permitted and Conditional Uses.

***

Table 2.4.300 – Permitted and Conditional Uses
(All other uses in Table 2.4.300 remain the same)

Land Use	IG	IL
Public and Institutional		
*Mobility Hub	P	P

***

Chapter 2.6

PUBLIC FACILITIES ZONING DISTRICT (PF)

***

2.6.200 Permitted and Conditional Uses.

***

Table 2.6.200 – Permitted and Conditional Uses

(All other uses in Table 2.6.200 remain the same)

Land Use	PF
<u>*Mobility Hub</u>	<u>P</u>

***

Chapter 2.7

SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS

***

Article XI. Juniper Ridge

***

2.7.2030 Employment Sub-District.

Table 2.7.2030.A Permitted Land Uses
(All other uses in Table 2.7.2030 remain the same)

Land Use	Employment Sub-District
<u>*Mobility Hub</u>	<u>P</u>

***

Article XIV. Bend Central District

***

2.7.3220 Land Uses.

***

Table 2.7.3220. Permitted Uses in the Bend Central District by Subdistrict
(All other uses in Table 2.7.3220 remain the same)

Land Use	1st/2nd Street	3rd Street	4th Street	South
Public and Institutional				
*Mobility Hub	P	P	P	P

***

Article XIX. Discovery West Master Planned Development

***

2.7.3750 Large Lot Residential District.

***

E. Setbacks. The setbacks of the RL Zone apply, with exception that a 20-foot side yard setback is required as a wildfire protection measure. Notwithstanding BDC 2.1.300.F.5, Architectural Features, where a setback is 7.5 feet or greater, eaves are allowed to encroach into the side and rear setbacks by no more than three feet.

***

2.7.3760 Standard Lot Residential District

***

E. Setbacks. The setbacks of the RS Zone apply, with exception of the following special side setbacks:

Table 2.7.3760 Side Setbacks in the Standard Lot Residential District

Setback	Lot Width (frontage) Less than 65 feet	Lot Width (frontage) 65 feet or greater
Side	7.5 feet	10 feet

Notwithstanding BDC 2.1.300.F.5, Architectural Features, where a setback is 7.5 feet or greater, eaves are allowed to encroach into the side and rear setbacks by no more than three feet.

***

Chapter 3.1

LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

Sections:

3.1.100 Purpose.

The purpose of this chapter is to guide the development of livable neighborhoods by ensuring ~~safe~~ neighborhoods are served with a safe and efficient ~~and efficient access and connectivity for a multi-modal~~ transportation system consisting of complete streets.

This chapter provides specific requirements for the construction of public streets and on-site and off-site multi-modal circulation that meets the requirements of this code, accessibility regulations, furthers the orderly layout of land, protects community character, and conserves natural resources by promoting well-designed road and access systems.

3.1.200 Lot, Parcel and Block Design.

***

D. Street Connectivity and Formation of Blocks. To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments must produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:

1. New development must construct and extend planned streets (arterials and collectors ~~and locals~~) in their ~~proper~~ planned projection as shown in the Transportation System Plan. ~~to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks~~. New developments must construct and/or extend a connected network of local streets as needed to meet block length and perimeter requirements in subsection 2 below. ~~Streets must be developed within a framework that is established in the City of Bend Transportation System Plan and any applicable Special Planned District, Refinement Plan, Area Plan or Master Plan or other adopted or approved development plan.~~ Where the Transportation System Plan, Special Planned District, Refinement Plan, Master Plan, Area Plan or other such plans do not provide specific block length and perimeter standards, the requirements listed below ~~shall~~ apply:

2. Block lengths and perimeters must not exceed the following standards as measured from centerline to centerline of through intersecting streets.

***

c. Six hundred sixty feet block length and 2,640 feet block perimeter for all other ~~Commercial, Industrial and Mixed-Use~~ Districts; ***(This amendment provides a standard for Public Facilities District.)***

d. ~~An exception may be granted to the maximum block length and/or block perimeter by the Review Authority if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the Review Authority may require the land division or site plan to provide blocks divided by one or more access corridors in conformance with the provisions of BDC 3.1.300, Multi-Modal Access and Circulation. Access corridors must be located to minimize out-of-direction travel by pedestrians and bicyclists and must meet all applicable accessibility standards.~~

Discretionary Track. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make an exception to the maximum block length and/or block perimeter if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the Review Authority may require the land division or site plan to provide blocks divided by one or more access corridors in conformance with the provisions of BDC 3.1.300, Multi-Modal Access and Circulation. Access corridors must be located to minimize out-of-direction travel by pedestrians and bicyclists and must meet all applicable standards.

3. New street connections to arterials and collectors ~~shall be~~ are governed by BDC 3.1.400, Vehicular Access Management.
4. Except as otherwise provided in an approved Master ~~Planned Development~~ Plan, private streets, where allowed by this code, ~~shall~~ must be constructed to public standards and ~~shall~~ must contain a public access easement along the length and width of the private facility ~~if required to satisfy the block length and perimeter standards~~.

E. New Lot and Parcel Access on Arterial and Collector Streets. In order to protect the operations and safety of arterial and collector ~~roadways~~ streets, access management is required during lot and parcel development. New lots and parcels created through land division that have frontage onto an arterial or collector street ~~shall~~ must provide alternative options for access as indicated below:

1. Residential ~~l~~Lots or ~~p~~Parcels ~~n~~Not ~~i~~Intended for ~~m~~Multi-~~u~~Unit ~~d~~Dwellings ~~shall provide alley access to the individual lots fronting onto the arterial or collector~~.

   ~~a. Exception to Residential Alleys. The Review Authority may determine that an alley is impractical due to physical or topographical constraints. In this situation, double frontage lots may be permitted.~~

   a. Clear and Objective Track. Residential lots or parcels must provide access to an existing alley.
   b. Clear and Objective Track. Where an alley does not exist, an alley must be created at the time of land division approval and must provide access to the residential lots or parcels.
   c. Discretionary Track. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make a determination that access from an existing alley or the development of an alley is impractical due to physical or topographical constraints, natural features or existing development patterns. In this situation, double frontage lots may be permitted.
   d. ~~Townhomes. See BDC 3.6.200.D. Townhomes.~~

   (Amended by the City Council on January 18, 2023)

2. Nonresidential, mixed-use and multi-unit dwelling lots or parcels ~~shall~~ must provide other access alternatives to the individual lots that abut the arterial or collector street.

   a. Double frontage lots or parcels of adequate depth to accommodate the future use may be permitted, except multi-unit dwelling lots or parcels must be a minimum of 50 feet in depth. The creation of double frontage lots does not relieve the property owner from their responsibilities to construct and maintain the sidewalk/multi-use path and park strip on the nonaccess side. ***(Must be clear and objective for needed housing.)***

   b. When a lot or parcel has frontage onto two or more streets, access ~~shall~~ must be provided first from the street with the lowest classification.

3. The land division ~~shall~~ must ~~also~~ provide for local street grid connections to the arterial and collector street in accordance with the block length and perimeter standards of this section.

3.1.300 Multi-Modal Access and Circulation.

***

B. On-Site Pedestrian Facilities. For all developments except single-unit detached, manufactured dwellings, accessory dwelling units, townhomes, duplexes, triplexes, quadplexes, and shared courts, pedestrian access and connectivity must meet the following standards:

***

2. On-Site Pedestrian Facility Development Standards. On-site pedestrian facilities must meet the following standards:

***

d. Vehicle/Walkway Separation. Where walkways are parallel and abut a driveway or street ~~(public or private)~~, they must be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum landscaped strip. Special designs may be permitted if this five-foot separation cannot be achieved.

***

4. Developments subject to development review ~~shall~~ must construct sidewalks/multi-use paths within and abutting the subject property along ~~public and private~~ all streets.

~~C. Off-Site Multi-Modal Facilities.~~

~~1. Developments subject to development and having an access corridor alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan shall dedicate either right-of-way or an access easement to the public for a primary or connector multi-use as outlined below.~~

~~a. Primary multi-use paths shall be in the alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan to the greatest degree practical unless, with consideration of~~

~~recommendations from the Bend Park and Recreation District, an alternate alignment is approved by the City through the development review process.~~

~~b. Connector multi-use paths may be required for pedestrians and bicycles at or near mid-block where the block length exceeds the maximum length required by BDC 3.1.200, Lot, Parcel and Block Design. Connector multi-use paths may also be required where cul-de-sacs or dead-end streets are permitted, to connect to other streets, and/or to other developments.~~

~~c. Primary and Connector Multi-Use Path Dedication and Construction. Primary and Connector multi-use path alignments shall be dedicated and constructed in accordance with the City's Design Standards and Construction Specifications.~~

C. Access Corridor Facilities.

1. Development, including those proposing new streets, must construct and extend access corridors to create continuous routes for pedestrians and bicyclists in compliance with the Transportation System Plan Figure 5-1, Bicycle Low Stress Network and in conformance with City of Bend Standards and Specifications including the City's Connector Routes and Crossings Map. The routes depicted in Figure 5-1 and in the City's Connector Routes and Crossings Map should be considered general in nature. The actual location will be approved by the City through the development review process, and in consultation with the Bend Park and Recreation District where applicable, in order to accommodate site development, minimize grade, accommodate street crossings and other safety issues, and to fit the context of the natural terrain and topographic/geographic constraints.

2. Access corridors must be developed in conjunction with roadway construction or as part of land division. If no land division precedes or accompanies site development, construction of the access corridor must occur with site development.

3. Design Standards for Multi-Use Paths.

   a. Multi-use paths must be developed and constructed with surfacing and width in compliance with the City of Bend Standards and Specifications.

      i. Exception. When a multi-use path will be owned or maintained by the Bend Park and Recreation District, located outside of the right-of-way, and not provided in lieu of a sidewalk, then the applicant must construct the multi-

use path pursuant to the District's adopted standards unless otherwise agreed to by the District.

b. Multi-use paths developed outside of the right-of-way must be located in an easement and include a minimum of five feet of easement on each side of the path.

c. For Site Plan Review Applications, the easement must be granted to the appropriate agency prior to final occupancy. For Land Division Applications, the easement must be granted to the appropriate agency and shown on the final plat, prior to recording. The appropriate public agency is determined pursuant to the intergovernmental agreement between the Bend Park and Recreation District and the City.

d. Multi-use path easements may be used to meet the open space requirements for a master plan in compliance with BDC Chapter 4.5, Master Plans or landscaping for a site plan review under BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.

e. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make a determination that a multi-use path can be constructed in place of a required sidewalk. The multi-use path may meander in between intersections. It must be located between four feet and 50-feet from the back of the curb to the edge of the path, and may be located more than 50-feet for up to fifty percent of the length.

4. Connector Multi-use Paths.

a. Connector multi-use paths are required for pedestrians and bicyclists at or near mid-block where the block length exceeds the maximum length as required by BDC 3.1.200, Lot, Parcel and Block Design.

b. Connector multi-use paths must be a minimum of six feet in width located in an easement with a minimum of two feet of easement on each side of the path.

c. Connector multi-use paths must be dedicated as set forth in 3.1.300(C)(3)(c).

d. Connector multi-use paths may be required where cul-de-sacs are permitted. See BDC 3.4.200.O, Cul-de-Sacs.

5. In areas, including future urban growth boundary expansion areas, where the Transportation System Plan does not show a preferred bicycle low stress route and there

are no routes within one-half mile serving north-south and east-west travel, the development must provide a facility continuing the bicycle low stress network.

3.1.400 Vehicular Access Management

***

F. Access Management Requirements. Access to the street and alley system must meet the following standards:

1. Lots and parcels in all zones and all uses ~~may~~ can have one street or alley access point~~.~~. ~~e~~Except as authorized in BDC 3.1.400(F)(4), lots or parcels with more than one existing access may be required to close an existing street access in accordance with the following:

   a. When a property has more than one permitted street access, the City Engineer ~~may~~ will require one of the existing street accesses to be closed and replaced with curb~~ing~~, sidewalks/pathways, and landscaping, in accordance with the provisions of this code and the City of Bend ~~s~~Standards and ~~s~~Specifications.

   b. The City Engineer will require a residential development to close an existing street access if they have access to an alley and replace it with curb, sidewalks/pathways, and landscaping in accordance with this code and the City of Bend Standards and Specifications, with exception of the following:

      i. Access to an existing permanent garage structure would be removed.

      ii. Removal of the access would make the site non-conforming by removing required parking.

      iii. The applicant may state in the written narrative they are electing to use a Type II discretionary track and request that the Review Authority make a determination that the alley is impractical.

      iv. Triplexes and quadplexes. See BDC 3.1.400.F.3.~~c~~b.

2. If a lot or parcel has frontage on two or more streets of different street classifications, the property must access the street with the lowest classification.

a. Exception. Where adjacent to two streets and one street is designated as a bicycle low stress route as shown in the Transportation System Plan Figure 5-1, Bicycle Low Stress Network, access must be from the street that is not a bicycle low stress route.

3. Alley Access. ~~For lots or parcels abutting an alley, access may be required to be taken from the alley.~~

a. Single-unit detached dwellings, townhomes, duplexes and accessory dwelling units.

i. Clear and Objective Track. For lots or parcels abutting an alley, access must be taken from the alley.

ii. Discretionary Track. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make a determination if the alley is impractical due to physical or topographical constraints or natural features.

~~b. Townhomes and Townhomes with Accessory Dwelling Units. See BDC 3.6.200.D, Townhomes.~~

~~c.~~ b. Triplexes, Quadplexes.

i. Clear and Objective Track.

(A) For lots or parcels abutting an alley, access must be taken from the alley.

(B) In addition to alley access, triplexes and quadplexes may have one street access permitted on a local street with a maximum 24-foot-wide driveway approach. Access to a street is not permitted when the local street includes a bicycle low stress route as shown in the Transportation System Plan Figure 5-1, Bicycle Low Stress Network.

(C) Where an alley provides the only access, the lot coverage may be increased by an additional 10 percent.

ii. Discretionary Track. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request the Review Authority to make a determination if the alley is impractical due to physical or topographical constraints or natural features.

~~d.~~ c. Mixed-Use and Multi-Unit Developments.

i. Clear and Objective Track. For lots or parcels abutting an alley, access must be taken from the alley.

ii. Discretionary Track. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make a determination if the alley is impractical due to physical or topographical constraints, natural features or that the alley does not provide adequate or sufficient access to the proposed development and access to the higher classification roadway will be safe.

~~e.~~ f. All other uses. Outside of the Downtown Wall Street/Bond Street couplet, the City Engineer may determine that an alley is not an adequate roadway for primary access if both of the following criteria are met:

~~a.~~ i. The alley does not provide adequate or sufficient access to the proposed development; and

~~b.~~ ii. Access to the higher classification roadway will be safe.

4. Additional Access Points.

a. Single-unit detached dwellings with no alley access may have an additional access point in compliance with the following:

i. Corner lots or parcels at the intersection of two local streets may have one access point per frontage ~~The accesses must~~ be ~~the maximum distance achievable from the intersection and not adversely impact traffic or safety or the City Engineer may determine a second access is not allowed~~.

ii. Lots or parcels on a local street that are not corner lots and have a frontage of 80 feet or wider may have two access points. The accesses must be separated by a minimum of 10 feet as measured between the edge of the approaches. ~~The second access must not adversely impact the operations of the transportation system.~~

~~iii. Alley access may be allowed when the lot or parcel has an existing permitted street access. If the required on-site parking is provided off the alley, the City Engineer may require the street access to be closed and replaced with curbing, sidewalks/pathways, and landscaping, in accordance with the provisions of this code and the City standards and specifications.~~

b. Townhomes, duplexes, triplexes and quadplexes, see BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

c. Mixed-Use and Multi-Unit Developments. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request an additional access point in compliance with subsection d of this section.

d. All other uses. An additional access point may be allowed when it is demonstrated that the additional access improves on-site circulation, and does not adversely impact the operations of the transportation system. If the second access point is only available to an arterial or collector roadway, the City may require one or more of these conditions of approval:

i. Locating the access the maximum distance achievable from an intersection or from the closest driveway(s) on the same side of the street;

ii. Right-in/right-out access may be required within 300 feet of a signalized intersection or roundabout. If adequate 95 percent queuing and turn pocket transition lengths are determined not to exceed the proposed point of entry, the City Engineer may grant access exceptions;

iii. Establishing a shared access with an adjoining property when possible; and/or

iv. Establishing a cross access easement with an adjoining property when possible.

(Amended by the City Council on January 18, 2023)

***

L. Construction. The following development and maintenance standards ~~shall~~ apply to all driveways ~~and private streets~~. The City of Bend Standards and Specifications ~~document shall~~ prevails in the case of conflicting rules related to the design and construction of public infrastructure.

1. Surface Options. Driveways, required parking areas, aisles, and turn-arounds ~~may~~ must be paved with asphalt, concrete or comparable surfacing or a durable nonpaving material (e.g., grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality. Gravel is not allowed.

2. Surface Water Management. When an impervious surface is used, all driveways, parking areas, aisles and turn-arounds ~~shall~~ must have on-site collection or infiltration of surface waters to prevent the flow of stormwater onto public rights-of-way and abutting property. Surface water facilities ~~shall~~ must be

constructed in conformance with City specifications. Durable nonpaving materials (e.g., grass-crete, eco-stone) are encouraged to facilitate on-site infiltration of stormwater.

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Chapter 3.2

Landscaping, Street Trees, Fences and Walls

***

3.2.300 New landscaping.

***

D. Landscape Materials. Landscape materials include live trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below:

***

8. Stormwater Facilities. ~~Stormwater facilities (e.g., detention/retention ponds and swales) shall be landscaped.~~ Landscaped bio-swales are encouraged and can be counted in the required amount of landscaped area on the site. Planting of broad leaf canopy trees is encouraged as effective surface water interceptors. ***(Clarification needed for when landscaping is required.)***

****

Chapter 3.3

Vehicle Parking, Loading and Bicycle Parking

****

3.3.300 Vehicle Parking Standards for On-Site ~~Requirements~~ Parking. ***(Amended by the City Council on January 18, 2023)***

***

~~A. Off-Street Parking Requirements. The number of required off-street vehicle parking spaces is determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports,~~

~~parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). In applying the exceptions and reductions listed in subsections (B), (C), and (D) of this section, reductions and exceptions may be combined except where otherwise specified. Where a fractional number of spaces results, the required number of spaces is rounded down to the nearest whole number.~~ ***(Amended by the City Council on January 18, 2023)***

Table 3.3.300. ~~Required~~ Maximum Off-Street Vehicle Parking Spaces

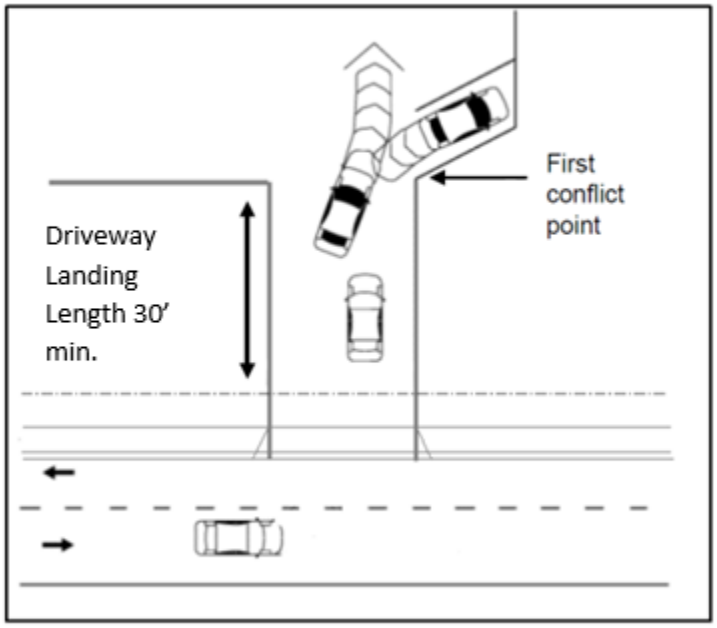
Use	~~Minimum Requirement~~ ***Maximum Parking Spaces***
Residential	
~~All multi-unit r~~Residential uses within the ~~CB and MU Commercial and Mixed-use~~ Zoning Districts	~~1 space per dwelling unit~~ ~~See parking requirements for duplexes, triplexes and quadplexes~~

(Amended by the City Council on January 18, 2023)

***

H. Driveway landing lengths must be a minimum of 30 feet measured from the property line to the first on-site conflict point for all nonresidential, mixed-use and multi-unit residential developments that access from a collector or an arterial. See Figure 3.3.300.H.

Figure 3.3.300.H



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3.3.500 ~~On-Street Parking Design Standards.~~

~~This section of the City of Bend Development Code provides specific requirements for construction of on-street parking facilities on arterial and collector classified roadways under the jurisdiction of the City of Bend.~~

~~A. Parallel on-street parking may be allowed within pull-out parking bays on collector or minor arterial roadways classified per the City of Bend Transportation System Plan as approved by the Planning Director subject to the following limitations:~~

- ~~Parking is located within residential or commercial zoning;~~
- ~~The posted speed of the roadway facility shall be 35 mph or less;~~
- ~~The roadway has bike lanes;~~
- ~~The roadway has sidewalks;~~
- ~~The roadway has only a single lane for motorized vehicle travel in each direction;~~

- ~~The roadway is a one-way street with two lanes of travel; and~~

- ~~Disabled accessible parking stalls and their access aisles shall have a maximum two percent slope in all directions.~~

B. ~~When pull-out parking bays are approved, the City Engineer shall approve construction plans in conformance with the following design criteria:~~

  - ~~The AASHTO minimum stopping sight distance shall be provided along the roadway in advance of the bay for the eighty-fifth percentile travel speed of the roadway;~~

  - ~~The bays only provide for two to three consecutive parking spaces;~~

  - ~~Each parking space is eight feet by 25 feet in size;~~

  - ~~There is spacing provided between successive parking bays of 100 feet;~~

  - ~~The bays enable vehicles to pull easily in and out of travel stream;~~

  - ~~The bays enable street sweeper and/or snow plow vehicles to follow curbs for maintenance purposes;~~

  - ~~The bays and roadway facilities provide adequate drainage facilities; and~~

  - ~~Disabled accessible parking signage shall be visible when a vehicle is parked in the designated space.~~

  Repealed by Ord. NS-XXXX

(These standards are located in the City of Bend Standards and Specifications 3.6.10, On-Street Parking)

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Chapter 3.4

PUBLIC IMPROVEMENT STANDARDS

Sections:

3.4.150 Waiver and Modification of Public Improvement Standards.

3.4.160 Payment in Lieu of Sidewalk Construction.

3.4.200 Transportation Improvement Standards.

3.4.300 Public Use Areas.

3.4.400 Sanitary Sewer and Water Service Improvements.

3.4.500 Storm Drainage Improvements.

3.4.600 Utilities.

3.4.700 Easements.

3.4.800 Construction Plan Approval and Assurances.

3.4.900 Installation.

3.4.100 Purpose and Authority.

A. Purpose. The purpose of this chapter is to provide requirements for design and construction of public and private infrastructure including: transportation facilities; sewer, water and other utilities; and drainage features and activities. One of the primary purposes of this chapter is to provide standards for attractive and ~~safe~~ complete streets that can accommodate vehicle traffic from planned growth~~,~~ and provide a range of transportation options~~, including options for driving, walking, bicycling, transit and other transportation~~ to allow for the delivery of goods and services and to connect people to people and places. This chapter is intended to guide development through the implementation of the City of Bend Standards and Specifications.

B. Public Improvements Needed for Development. Development ~~shall~~ must not occur unless the public improvements serving the development comply with the public facility requirements established or incorporated by this chapter, unless compliance is exempted by this code or unless the applicable standard is modified or waived under BDC 3.4.150, Waiver and Modification of Public Improvement Standards. When the development site is separated from the right-of-way by a narrow strip of property that is 100 feet wide or less and owned by the Bend Park and Recreation District or other public entity, public

improvements are required for the right-of-way. ***(Public improvements may be required if a property is segmented by BPRD or public entity.)***

C. Compliance with Standards. All public improvements constructed as part of a development or to comply with a condition of development approval ~~shall~~ must comply with all applicable standards, including but not limited to any standards and specifications adopted by the City applicable to public works or public improvements. The provisions of this chapter prevail over any inconsistent standard or specification unless the applicable standard is modified or waived under BDC 3.4.150, Waiver and Modification of Public Improvement Standards.

D. Conditions of Development Approval. No development ~~shall~~ can occur unless required public facilities are in place or guaranteed. Improvements required to be constructed by the developer as a condition of development approval, when not voluntarily accepted by the applicant, ~~shall~~ must be roughly proportional to the impact of development on public facilities and services. Findings in the development approval ~~shall~~ must indicate how the required improvements are related to and roughly proportional to the impact. The City may deny an application if required public improvements are not in place, or the City may impose conditions of approval tying the timing of construction and/or occupancy of a proposed development to anticipated public improvements without requiring the applicant to construct the public improvements.

3.4.150 Waiver and Modification of Public Improvement Standards.

A. Authority to Grant Waiver or Modification. Waivers and/or modifications of the standards of this chapter ~~and/or the City of Bend Standards and Specifications~~ may be granted as part of a development approval only if the criteria of subsection (B) of this section are met. A waiver for sidewalks for the Woodriver Village subdivision is not permitted under this subsection. See BDC 3.4.160, Payment in Lieu of Sidewalk Construction. For a waiver to transportation standards, see BDC Chapter 4.7, Transportation Analysis. For deviations to the City of Bend Standards and Specifications, see City of Bend Standards and Specifications.

B. Criteria. The Review Authority, after considering the recommendation of the City Engineer, may waive or modify the standards of this ~~title~~ chapter ~~and the City of Bend Standards and Specifications~~ based on a determination that (a) the waiver or modification will not harm or will be beneficial to the public in general; (b) the waiver and modification are not inconsistent with the general purpose of ensuring adequate public facilities; ~~and~~ (c) the waiver does not prohibit the implementation of a bicycle low stress route or crossing as shown in the Transportation System Plan Figure 5-1, Bicycle Low Stress Network, and with City of Bend Standards and Specifications including the City's Connector Routes and Crossings Map; and (d) one or more of the following conditions are met:

***

5. The standard is a street width or right-of-way width standard and existing structures on the same side of the block make future widening of the remainder of the street or right-of-way unlikely and the additional width on the project site would not be beneficial for sidewalks or parking without the extension for the rest of the block.

***

3.4.200 Transportation Improvement Standards.

A. Development Requirements. No development ~~shall~~ can occur unless the development has frontage or approved access to a ~~public or private~~ street, in conformance with the provisions of BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, and the following standards are met:

1. Streets, including access corridors, within or adjacent to a development ~~shall~~ must be improved as complete streets in accordance with the ~~Bend Urban Area~~ Transportation System Plan (TSP), provisions of this chapter, ~~and~~ other pertinent sections of this code, and the City of Bend Standards and Specifications.
2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, ~~shall~~ must be improved in accordance with this section, and public street right-of-way ~~and private street easements~~ ~~shall~~ must be dedicated to the City, Deschutes County or the Oregon Department of Transportation.
3. All new and/or existing streets and alleys ~~shall~~ must be paved per the City of Bend Standards and Specifications document.

~~B. Variances. Variances to the transportation design guidelines in this section may be granted by means of a Class C variance, as governed by BDC 5.1.400(B)(4), Variance to Transportation Improvement Requirements. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands or the project does not meet the exception standards listed herein.~~ Repealed by Ord. NS-XXXX ***(A variance is not required since an applicant can apply for a Waiver and Modification of Public Improvement Standards in BDC 3.4.150.***)

C. Creation of Rights-of-Way for Streets and Related Purposes. Streets ~~shall~~ must be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a public right-of-way by acceptance of a deed~~,~~ where no plat will be recorded~~; and provided, that the street is deemed essential for the purpose of implementing the Bend Urban Area Transportation System Plan,~~ and

the deeded right-of-way conforms to this code. All deeds of dedication ~~shall~~ must be in a form prescribed by the City and ~~shall~~ must name "the public" as grantee. All right-of-way however dedicated to the City must be free and clear of all existing liens and encumbrances.

1. Discretionary Track. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the City Engineer make a determination that an encumbrance may be maintained if there are significant legal or other impediments to moving or releasing the encumbrance and the encumbrance does not materially conflict with the City's potential or actual uses of the right-of-way, in the sole determination of the City Engineer.

D. Creation of ~~Vehicular~~ Public Access and Public Utility Easements. The City may require a ~~vehicular~~ public access and/or public utility easement established by deed when the easement is necessary to provide for ~~vehicular~~ public access and circulation and/or provision of public utilities in conformance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, or other sections of this code. Public ~~A~~access easements ~~shall~~ must be created and maintained in accordance with the Uniform Fire Code Section 10.207 and City of Bend Standards and Specifications.

E. Street Location~~, Width~~ and Grade. Except as noted below, the location~~, width~~ and grade of all streets ~~shall~~ must conform to the City of Bend Standards and Specifications ~~document~~, the provisions of this chapter and an approved street plan or ~~subdivision~~ land division plat. Street location~~, width~~ and grade ~~shall~~ must be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.

1. Street grades ~~shall~~ must be designed and/or constructed as approved by the City Engineer in accordance with the ~~design standards in Tables A through E in this section~~ the City of Bend Standards and Specifications. ***(Grades will no longer be in the BDC tables.)***

2. Where the location of a street is not shown in an existing street plan in conformance with subsection (I) of this section, Future Street Plan and Extension of Streets, the location of streets in a development ~~shall~~ must either:

   a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter; or
   b. Where it is impractical to connect with existing street patterns because of topographical constraints or where the existing built environment precludes future street connections, the applicant ~~shall~~ must conform to a street plan approved by the Review Authority. Such a plan ~~shall~~

must be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

F. Minimum Rights-of-Way and Street Sections. ~~Street rights-of-way and improvements must be the widths defined in Street Improvement Standards Tables A through E except as identified in subsection (F)(3)(b) of this section. Additional right-of-way may be required at intersections to accommodate intersection widening and roundabouts.~~ Streets, sidewalks, access corridors, planter strips, travel lanes, and parking must be provided in compliance with the City of Bend Standards and Specifications cross-sections. Oregon Department of Transportation (ODOT) facilities must meet Oregon Department of Transportation design standards.

Additional multi-use paths or bike lanes may be required on local streets to provide a low-stress route as identified in the Transportation System Plan Figure 5-1, Bicycle Low Stress Network, or as identified in the Connector Routes and Crossings Map in compliance with the City of Bend Standards and Specifications or as amended by the City Engineer.

1. Right-of-Way and Pavement Widths.
   a. At a minimum street rights-of-way must be the widths defined in Street Improvement Standards Table A except as identified in subsection (F)(3)(b) of this section. Additional right-of-way may be required at intersections to accommodate intersection widening and roundabouts. ***(Relocated from F above)***
   b. Pavement widths must be in compliance with the City of Bend Standards and Specifications cross-sections, or the applicable master plan or other development criteria. For a deviation from the City of Bend Standards and Specifications, a request must be submitted per BDC 4.7.400(B)(9). For a waiver of a public improvement standard set forth in the Bend Development Code, including pavement or right-of-way widths set in a master plan, then a request must be submitted per BDC 3.4.150, Waiver and Modification of Public Improvement Standards.

      ~~**Pavement Widths.** The required pavement width shall be determined based upon the factors listed below:~~

      ~~a. i. Street classification in the Transportation System Plan;~~

      ~~b. ii. Anticipated traffic volume for the City's planning horizon year;~~

      ~~c. iii. On-street parking needs;~~

      ~~d. iv. Sidewalk and bikeway requirements based on anticipated level of use;~~

      ~~e. v. Requirements for placement of utilities;~~

      ~~f. vi. Street lighting;~~

g. vii. Minimizing drainage, slope, and sensitive lands impacts, as identified by the Bend Comprehensive Plan;

h. viii. Street tree location, as provided for in BDC Chapter 3.2;

i. ix. Protection of significant vegetation, as provided for in BDC Chapter 3.2;

j. x. Safety and comfort for motorists, bicyclists, and pedestrians;

k. xi. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;

l. xii. Access needs for emergency vehicles; and

m. xiii. Consistent extension of existing street section.

2. **Future Street Right-of-Way Widths and Special Building Lines.** To ensure that adequate transportation corridors will be preserved for the future, the special setbacks established in subsection (J) of this section shall apply.

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Table A: Improvement Standards Right-of-Way Widths for Dedicated Public Roadways in Residential Zone

(UAR, RL, RS, RM-10, RM and RH)

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Max. Grade (3)	Sidewalks Both Sides	Bike Lanes	Curbs
Principal Arterial (2)	100'	76'	5'	6%	Yes	Yes	Yes
Major Arterial	100'	76'	5'	6%	Yes	Yes	Yes
Minor Arterial	100'	56'	5'	6%	Yes	Yes	Yes
Major Collector	80'	56'	5'	8%	6'	Yes	Yes
Local Street RM or RH	60'	36'	5'	10%	6'	No	Yes

~~Street Classification~~	~~Minimum Right-of-Way~~	~~Minimum Pavement Width~~	~~Planter Strips~~	~~Max. Grade (3)~~	~~Sidewalks Both Sides~~	~~Bike Lanes~~	~~Curbs~~
~~Local Street (1)~~ ~~UAR, RL, RS, RM-10~~	~~60'~~	~~24'/28'/32'~~	~~5'~~	~~10%~~	~~5'~~	~~No~~	~~Yes~~
~~Cul-de-Sac All Residential Zones~~	~~60'~~	~~24'~~	~~5'~~	~~10%~~	~~5'~~	~~No~~	~~Yes~~
~~Alley~~	~~20'~~	~~20'~~	~~No~~	~~10%~~	~~None~~	~~No~~	~~No~~

Street Classification & Roundabout ROW Dedication	**Arterial**	**Collector**	**Local**	**Alley**	**Cul-De-Sac**	**Roundabout**
Minimum ROW	**100'**	**80'**	**60'**	**20'**	**54' radius from center of the cul-de-sac**	**100' radius from center of intersection**

~~Requirements:~~

~~1. Local Streets:~~

~~a. 24-foot-wide street – No parking allowed on either side of the street.~~

b. 28-foot-wide street – Parking allowed on one side.

c. 32-foot-wide street – Parking allowed both sides in UAR, RL, RS, and RM-10 Zones.

d. 36-foot-wide street – Parking allowed both sides in RM and RH Zones.

e. Special street widths (see subsection (J) of this section).

2. Expressways and arterials that are Oregon Department of Transportation (ODOT) facilities shall meet ODOT design standards.

3. See Table E for grade exceptions in steep terrain areas.

Table B: Improvement Standards for Dedicated Public Roadways in Commercial Zones

CB, CC, CL, CG, ME, MR, PF and PO

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Minimum Turn Lane/Median Island Width (1)	Maximum Grade (2)	Direct Site Access	Sidewalk Both Sides	Curbs
Principal Arterial (3)	100'	76'	5'	11'/16'	6%	No	6'	Yes
Major Arterial	100'	76'	5'	11'/16'	6%	No	6'	Yes
Minor Arterial	100'	56'	5'	11'/16'	6%	No	6'	Yes
Major Collector	80'	56'	5'	11'/16'	6%	Yes	6'	Yes
Local	60'	36'	5'	None	10%	Yes	5'	Yes
Alley (4)	20'	20'	No	None	10%	Yes	None	No

Requirements:

1The first dimension is the minimum required width of the turn lane while the second dimension applies to the raised median width constructed between intersections:

aIntersection turn lane pocket width is 11 feet while the median end cap width is five feet in width.

2See: Table E for grade exceptions in steep terrain areas.

3Expressways and arterials that are Oregon Department of Transportation (ODOT) facilities shall meet ODOT design standards.

4Alleys are not required in Commercial Zones.

Table C: Improvement Standards for Dedicated Public Roadways in Industrial Zones IL and IG

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Minimum Turn Lane/Median Island Width (1)	Maximum Grade (2)	Direct Site Access	Sidewalk Both Sides	Curbs
Principal Arterial (4)	100'	76'	5'	11'/16'	6%	No	6'	Yes
Major Arterial	100'	76'	5'	11'/16'	6%	No	6'	Yes
Minor Arterial	100'	56'	5'	11'/16'	6%	No	6'	Yes
Major Collector	80'	56'	5'	11'/16'	6%	Yes	6'	Yes
Local: No Parking	60'	36'	5'	None	10%	Yes	5'	Yes
Local: w/ Parking	60'	44'	5'	None	10%	Yes	5'	Yes

Requirements:

1 The first dimension is the minimum required width of the turn lane while the second dimension applies to the raised median width constructed between intersections:

a. Intersection turn lane pocket width is 11 feet while the median end cap width is five feet in width.

2 See: Table E for grade exceptions in steep terrain areas.

3 Alleys are not required in Industrial Zones.

4 Expressways and arterials that are Oregon Department of Transportation (ODOT) facilities shall meet ODOT design standards.

Table D: Improvement Standards for Private Streets

Street Classification	Minimum Roadway Easement Dedication	Pavement Width	Maximum Grade	Direct Site Access	Bike Lanes	Sidewalks	Curbs
Local Residential Streets	Greater than or equal to street improvement width including sidewalks.	24'/28'/32'	10%	Yes	No	5' both sides	Yes
"T" Courts Less Than or Equal to 150 Feet Long	40'	24'	12%	Yes	No	Yes	Yes
Local Commercial Streets	Greater than or equal to street improvement width, including sidewalks.	36'	10%	Yes	No	5' both sides	Yes

Requirements:

1. Drainage must be retained on site and not drain to public right-of-way.

2. Minimum roadway easement dedication (private property) with public property access dedicated for specific use for vehicle and pedestrian circulation.

3. Private streets shall be constructed to public standards for public roadways (Tables A through C) except as modified by Table D. Private streets shall contain a public access easement and public utility easement for the entire width of the private street from the outside of each sidewalk, inward, and for the entire length of the private street.

4. Collector and higher classification roadways are not permitted to be private.

Table E: Improvement Standards for Dedicated Public Roadways on Hillsides

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Max. Grade	Sidewalks Both Sides Curb Tight	Bike Lanes	Curbs
Minor Arterial (All Zones)	100'	36'	8%	6'	Yes	Yes
Major Collector (All Zones)	80'	36'	8%	6'	Yes	Yes
Local: RM or RH Parking Both Sides	60'	36'	10%	6'	No	Yes
Local: RS	60'	24'/28'/32' (3)	10%	5'	No	Yes
Local Cul-De-Sac	60'	24'/28'/32' (3)	10%	5'	No	Yes
Alley	20'	20'	10%	None	No	No

Requirements:

1. Hillside street standards apply to those portions of streets constructed on existing slopes exceeding 15 percent.

2. Planter strips are not required on those portions of the street that qualify for hillside standards.

3. Local Streets:

~~a. 24-foot-wide street – No parking allowed on either side of the street.~~

~~b. 28-foot-wide street – Parking allowed on one side.~~

~~c. 32-foot-wide street – Parking allowed both sides in UAR, RL, RS, and RM-10 Zones.~~

~~d. 36-foot-wide street – Parking allowed both sides in RM and RH Zones.~~

~~e. Special street widths (see subsection (J) of this section).~~

G. Traffic Controls.

1. ~~Traffic signals/roundabouts shall be required and installed in accordance with BDC Chapter 4.7, Transportation Analysis, with development when traffic control warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. Traffic signal/roundabout design shall be approved by City Engineer. The developer's financial responsibility and the timing of improvements shall be included as a condition of development approval.~~

   Traffic signals/roundabouts/intersection improvements must be constructed in conformance with City of Bend Standards and Specifications, including meeting the City approved Manual on Uniform Traffic Control Devices' signal warrants, based on determined mitigation needs from BDC Chapter 4.7, Traffic Analysis.

2. Intersection design must be approved by the City Engineer. The developer's financial responsibility and the timing of improvements must be included as a condition of development approval. ***(Relocated from #1)***

3. Where traffic signal warrants are met, the City's preferred intersection treatment is a roundabout for reasons of safety, capacity, and traffic flow. The selection of a traffic signal instead of a roundabout must be evaluated per the City of Bend Standards and Specifications and approved by the City Engineer.

~~2.~~4. Traffic controls on roads under State jurisdiction ~~shall~~ must be determined by the Oregon Department of Transportation.

H. Medians and Raised Islands. ~~The use of landscaped medians improves community appearance, helps maintain system mobility and reduces the effects of wide street widths to all modes of travel.~~

1. Medians ~~will be landscaped with~~ must use ~~water efficient plant materials that are easily maintained~~ hardscape and/or waterwise designs with native plantings. ***(Amendment implements revised Comprehensive Plan Policy 9-6 The city will develop landscape designs for arterial and collector street medians that include hardscape and/or waterwise designs with native plantings and arterial and collector planter/buffer strips that include hardscape with tree wells or waterwise designs with native plantings, trees or other vegetation.)***

~~1.~~ 2. The design of medians on roads under City jurisdiction ~~shall~~ must be approved by the City Engineer.

~~2.~~3. The design of medians on roads under State jurisdiction ~~shall~~ must be approved by the Oregon Department of Transportation.

4. The City may require raised islands to provide and enhanced crossing in accordance with BDC Chapter 4.7, Transportation Analysis.

I. Future Street Plan and Extension of Streets, Alleys and Access Corridors.

1. When a street plan has been developed and adopted by City Council along with ~~an area plan, such as a Refinement Plan,~~ a Special Planned District, Refinement Plan, Area Plan or Master Plan, that street plan ~~shall~~ guides the location and spacing of future streets pursuant to City of Bend Standards and Specifications.
2. When no adopted street plan exists for the site, a ~~future~~ street plan including existing and proposed streets, access corridors and alleys ~~shall~~ must be filed by the applicant in conjunction with an application for development, in order to facilitate orderly development ~~of the street system~~ and access management. The plan ~~shall~~ must also show the pattern of existing and ~~proposed~~ future streets, access corridors and alleys from the boundaries of the proposed development and ~~shall~~ must include other properties within 400 feet of the site boundaries, and other developed streets or public rights-of-way or natural barriers surrounding and adjacent to the proposed development. The future street plan, including access corridors and alleys, is not binding; rather, it is intended to show potential future street, access corridor and alley extensions with future development of adjacent properties.
3. Streets, alleys and access corridors ~~shall~~ must be extended to the boundary lines of the property to be developed~~,~~ when ~~the Review Authority determines that~~ the extension ~~is necessary to~~ gives ~~street~~

access to, or permits a satisfactory future development of, adjoining land. The point wWhere the streets, alleys and access corridors temporarily end shall they must conform to subsections (I)(3)(a) through (c) of this section:

a. These extended sStreets, alleys and access corridors extended to the property lines or street stubs to adjoining properties are not considered to be cul-de-sacs, since they are intended to continue as through streets when the adjoining abutting property is developed.

b. A City-approved barricade shall must be constructed at the terminus end of the street by the developer and shall must not be removed until authorized by the City or other applicable agency with jurisdiction over the street. These barricades must be removed when the street, alley or access corridor is extended beyond the barricade. The Review Authority may also require signs that indicate the location of a future road connection.

c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall must be constructed for stub streets over 150 feet in length.

4. Construction of partial width streets shall are not be permitted, except as approved by the City Engineer. A partial street improvement may be approved only at the outer boundaries of a development where the street is required by other land use requirements and it is likely that adjacent underdeveloped property will complete the street construction. The following limitation shall apply ies:

a. Partial street improvements are only allowed where available right-of-way is insufficient to allow a full street improvement.

J. Special Setbacks.

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2. Applicability. The special setback standards apply to any lot or parcel that abuts a public right-of-way.

Exception. The special setback standards do not apply to intersections or streets that are already constructed consistent with the Bend Urban Area Transportation System Plan (TSP) including streets and intersections in subsection (F)(3)(b) of this section as "not being identified for lane expansion."

3. Setback.

***

b. Unless waived under BDC 3.4.150, the special setback from existing substandard width rights-of-way must comply with Table ~~F~~J.

Table ~~F~~J: Special Setback Standards

Street Classification	Additional Setback from Centerline of Street
Local Street	30 feet
Collector	40 feet
Arterial (~~Principal,~~ Major, Minor)	50 feet
Roundabout	110 foot radius from center of roundabout

K. Street Alignment and Connections.

1. ~~Staggering of streets making "T" intersections at collectors and arterials shall be located to conform with the spacing standards contained in the Bend Urban Area Transportation System Plan and BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation.~~
2. 1. ~~Spacing between local/local street intersections shall conform to the spacing standards contained in the City's Standards and Specifications document and BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation. This standard applies to four-way and three-way (offset) intersections.~~ Offset local street alignments ~~shall~~ must be at least 125 feet distance between the centerlines of the local streets and offsets for arterial and collector streets will be determined in compliance with BDC Chapter 4.7, Transportation Analysis.
3. ~~All streets that abut a development site shall be extended within the site to provide through circulation, unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies only when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered~~

~~topographically constrained if the slope is greater than 15 percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes a street connection.~~

4. 2. Proposed streets or street extensions, including access corridors, must ~~shall~~ be located to provide access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

5. ~~In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of developments and alignment of new streets shall conform to the standards in BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation.~~

L. Sidewalks, Multi-use Paths, Planter Strips, Curbs, Bicycle Lanes. Sidewalks or multi-use paths, planter strips, curbs and bicycle lanes must be installed in conformance with the applicable provisions of the ~~Bend Urban Area~~ Transportation System Plan, the Bend Comprehensive Plan, City of Bend Standards and Specifications and the following standards:

1. ~~The planter strip distance is measured from the face of the curb to the inside edge of the sidewalk.~~

~~2.~~1. Sidewalks and multi-use paths must be ~~separated from the street by a planter strip and~~ placed at the property line~~, where practicable, or as otherwise directed by the City Engineer~~ in compliance with the City of Bend Standards and Specifications.

~~3.~~ 2. ~~In areas with high pedestrian volumes, the City Engineer may approve a minimum 10-foot-wide sidewalk, curb tight, with street trees in tree wells and/or landscape planters.~~

~~4.~~ 3. Bicycle lanes must be constructed on all collector and arterial streets ~~unless otherwise designated~~. Bicycle low stress routes as shown on Transportation System Plan Figure 5-1, Bicycle Low Stress Network must be constructed in compliance with the City of Bend Standards and Specifications for providing a Level of Traffic Stress LTS 1 or LTS 2 including any low stress street crossings.

~~5.~~3. Planter strips are not required on T-courts, mid-block lanes or shared lanes.

~~6.~~ 4. ~~Where practical, s~~Sidewalks and multi-use paths must be allowed to meander around existing trees ~~in conformance with the requirements of the Americans with Disabilities Act.~~ ***(Needs to be clear and objective)***

~~7.~~5. All ~~public and private~~ streets must have sidewalks or multi-use paths, and curbs.

a. Exceptions. Properties within the Woodriver Village subdivision must make a payment in lieu of constructing a sidewalk subject to BDC 3.4.160, Payment in Lieu of Sidewalk Construction.

M. Intersection Angles. Streets ~~shall~~ must be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case ~~shall~~ can the centerline angle be less than 80 degrees.

N. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a property are of less than standard width, additional rights-of-way ~~shall~~ must be provided at the time of subdivision or site development, in conformance with Table~~s~~ A ~~through E~~ in this section.

O. Cul-de-Sacs.

1. For projects with needed housing, the following applies:
   a. Clear and Objective Track. Cul-de-sacs are not permitted.
   b. Discretionary Track.
      i. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make a determination that a cul-de-sac is allowed due to physical or topographical constraints, natural features, existing development patterns, or compliance with other standards in this code that preclude street extension and through circulation. A paved multi-use path in compliance with BDC 3.1.300.C.4, Connector Multi-Use Paths must be provided at the end of the cul-de-sac to connect to an abutting street, bicycle low stress route, park, multi-use path or development open to the public. If the multi-use path is provided, a public access easement must be recorded on the property.
      ii. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make a determination that the development of a paved multi-use path is impractical due to physical or topographical constraints, natural features or existing development patterns. If a paved multi-use path is determined to be impractical, the review authority may require an alternative path developed in compliance with the City of Bend Standards and Specifications.
2. For all other uses, ~~A~~a cul-de-sac street must only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other

standards in this code preclude street extension and through circulation. Where cul-de-sacs are permitted, a paved multi-use path in compliance with BDC 3.1.300.C.4, Connector Multi-Use Paths may also be required to connect to an abutting street, bicycle low stress route, park, multi-use path or development open to the public.

~~P. Grades and Curves. Grades shall must not exceed those shown in Tables A through E in this section, unless approved through a waiver in accordance with BDC 3.4.150.~~

~~1. Centerline curve radii and vertical curves shall conform to the American Association of State Highway and Transportation Officials (AASHTO) design criteria.~~

~~2. At the intersections of arterial and/or collector streets, the approach grade shall average no more than +/- four percent for 250 feet from the edge of the intersecting roadway at full improvement. Local streets intersecting arterials or collectors shall provide a minimum of 50 feet of approach grade at no more than an average of +/- four percent.~~

~~3. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be are subject to the approval of the City Engineer.~~

~~4. Lesser grades may be required at intersections as per City specifications. Grades in excess of 10 percent are subject to Fire Department approval.~~ Repealed by Ord. NS-XXXX ***(Grades will be addressed in the City of Bend Standards and Specifications)***

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T. Alleys, Public or Private. Public ~~A~~alleys must conform to the standard~~s~~ in Table~~s~~ A ~~through E~~ in this section and City of Bend Standards and Specifications. ~~While alley intersections and sharp changes in alignment must be avoided, the corners of necessary alley/alley intersections must have an inside radius of not less than 14 feet, except where Fire Department access is required, the inside radius must not be less than 30 feet. Right-of-way dedication for public alleys or roadway dedication for private alleys will be increased to match the pavement width.~~ Private alleys must contain a public access easement for the entire width of the pavement and for the entire length of the alley and must be constructed to public alley standards.

U. Private Streets. ~~Private streets shall connect with public streets to complete the City's transportation system grid where practical.~~

1. The development of new private streets is prohibited, except as follows:

a. Private streets may be developed when they are part of an existing master plan developed with private streets and they must comply with the following:

i. Are constructed to public street cross-sections and design requirements in the City of Bend Standards and Specifications except as follows:

(A) When an existing street and/or alley has been built to the property line and is not constructed to public street cross-sections, an alternative cross-section may be approved by the City Engineer to match existing improvements. In this case, a waiver under BDC 3.4.150 is not required.

(B) When an existing master plan includes private street standards and/or cross-sections, they must be constructed to City of Bend Standards and Specifications.

ii. Where constructed, the private streets must transition to a public street at an intersection with a public street.

iii. Provide bikeways and access corridors to complete the City's transportation system grid.

iv. Retain drainage on-site and do not drain to the public right-of-way.

v. Contain a public access easement and public utility easement for the entire width of the private street encompassing curbs, sidewalks or multi-use paths, and lane widths. The public access easement may need to extend beyond the tract as necessary to encompass franchise utility trenches and facilities.

vi. Are not collector or higher classification roadways.

vii. The private streets are not allowed to be gated.

2. Where existing private streets have been developed, improvements must comply with the City of Bend Standards and Specifications and/or master plan.

a. Exception. Pavement maintenance is not required to comply with the City of Bend Standards and Specifications.

3. Where existing private streets have been developed, they must transition to a public street at an intersection.

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Chapter 3.5

OTHER DESIGN STANDARDS

3.5.100 Density Transfers.

3.5.200 Outdoor Lighting Standards.

3.5.400 Solar Standards.

3.5.500 Solar Access Permits.

3.5.600 On-site Drainage.

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3.5.600 On-site Drainage.

A. On-site surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property. ***(Relocated from 2.1.1100.A)*** Engineered grading and drainage plans must be submitted in accordance with BC Title 16, Grading, Excavation, and Stormwater Management.

B. Drainage facilities must be designed and constructed to accommodate increased runoff from the development. Drainage must not be directed to an existing watercourse, channel, stream or canal. Storm drainage facilities must comply with applicable State and Federal regulatory requirements.

C. Where an existing watercourse traverses a development, such as a natural watercourse, drainageway, channel or stream, or any other existing drainage facility including but not limited to irrigation canals, laterals and associated ditches, a recorded easement conforming substantially with the lines of such existing watercourses and such further width as will be adequate for conveyance and maintenance, as determined by the City Engineer, must be provided.

D. On-site drainage facilities must not be located in any public utility or slope easements. On-site drainage facilities must not be located in any irrigation district easement or Bend Park and Recreation District easement without their consent.

Chapter 3.6

Special Standards and Regulations for Certain Uses

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3.6.200 Residential Uses

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B. **Accessory Dwelling Unit (ADU).** An accessory dwelling unit (ADU) is a small dwelling unit on a property that contains a single-unit dwelling unit as the primary use. The ADU may be attached, detached, or within a portion of an existing dwelling unit. The maximum density standards do not apply to ADUs due to their small size and low occupancy. The standards of this section are intended to control the size, scale and number of ADUs on individual properties to promote compatibility with abutting land uses. ADUs must comply with the following standards in addition to the standards of the applicable zoning district:

***

5. Detached ADUs. A detached ADU must be a minimum of six feet apart from the primary single-unit dwelling as measured between their building footprints, unless exempted below.

***

a. Exemption. Does not apply when the primary single-unit dwelling was legally constructed prior to April 1, 2016, and the ADU is proposed to be located in a detached structure legally constructed prior to April 1, 2016, or within an existing footprint of an existing detached structure legally constructed prior to April 1, 2016. ***(Allows ADUs above an existing garage even if the detached garage's footprint isn't six feet from the primary single-unit dwelling unit.)***

***

D. **Townhomes.** Single-unit attached housing (townhome units on individual lots) must comply with the standards in subsections (D)(1) through (D)(~~4~~5) of this section.

***

2. Alley Access ~~Developments~~ Requirement. ~~Townhome developments and subdivisions (four or more lots) must receive vehicle access only from a rear alley, except when existing development patterns or topography make construction of an alley impractical (see subsection (D)(3) of this section for standards for street access developments). Alley(s) must be created at the time of subdivision approval, in accordance with BDC Chapters 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.4, Public Improvement Standards, and 4.3, Land Divisions and Property Line Adjustments. As necessary, dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) is required to implement the standards in BDC 3.1.300, Multi-~~

~~Modal Access and Circulation.~~ For lots or parcels abutting an alley, access must be taken from the alley in accordance with BDC 3.1.400(F)(3).

a. ~~Clear and Objective Track. Access must be from an existing alley.~~

b. ~~Clear and Objective Track. Where an alley does not exist, an alley must be created at the time of land division approval and provide access.~~

c. ~~Clear and Objective Track. Where townhomes lots or parcels exist and there is not an existing alley, street access is permitted. See subsection (D)(3) of this section for standards for street access developments.~~

d. ~~Discretionary Track. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make a determination that an existing alley or the development of an alley is impractical due to physical or topographical constraints or natural features. In this situation, double frontage lots may be permitted. See subsection (D)(3) of this section for standards for street access developments.~~

(Amended by the City Council on January 18, 2023)

3. Street Access Developments. ~~Street access is only allowed where there is no existing abutting alley and/or an alley was not required during the land division.~~ Where there is no abutting alley, ~~T~~townhomes receiving access directly from a ~~public or private~~ street must comply with the following standards, in order to minimize interruption of adjacent sidewalks or multi-use paths by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management:

(Amended by the City Council on January 18, 2023)

***

H. Duplex, Triplex and Quadplex Development. Duplex, triplex and quadplex development must comply with the following standards:

***

2. ~~Driveway Approach~~ Lot or Parcel Access. For lots or parcels abutting an alley, access must be taken from the alley in accordance with BDC 3.1.400(F)(3). Where there is no abutting alley, ~~D~~duplexes may

have a maximum of two driveway approaches, triplexes may have a maximum of three driveway approaches and quadplexes may have four driveway approaches in compliance with the following:

a. The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (H)(2)(c) of this section.

b. Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.

c. In addition, lots or parcels with more than one frontage must comply with the following:

    i. Lots or parcels must access the street with the lowest classification.

    ii. Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. When lots or parcels only have frontages on collector streets or only on arterial streets, the City Engineer will determine which frontage may have one driveway approach based on the following:

        (A) Distance from the nearest intersection;

        (B) Clear vision areas;

        (C) Topography;

        (D) Utility conflicts; and

        (E) Pedestrian and bike conflicts in the vicinity.

    iii. Lots or parcels with frontages only on local streets must comply with the following:

        (A) Duplexes may have two driveway approaches not exceeding 32 feet in total width on one frontage or one maximum 16-foot-wide driveway approach per frontage.

        (B) Triplexes may have three driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.

(C) Quadplexes may have four driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.

d. Clear vision standards do not apply between driveway approaches for duplexes, triplexes and quadplexes on local streets. All other standards in BDC 3.1.500, Clear Vision Areas, apply.

~~e. For lots or parcels abutting an alley, access may be required to be taken from the alley in accordance with BDC 31.400(F)(3).~~

3. The minimum driveway width must be 10 feet.

***

3.6.300 Non Residential Uses

***

D. **Mobility Hub.**

1. A mobility hub must include, at a minimum, the following which are intended to provide a recognizable place with a concentration of different and connected transportation modes and services:

   a. Transit stop or transfer station.
   b. Flex mobility space(s) a minimum of 250 square feet.
   c. Secured bicycle parking for a minimum of 10 bicycles.
   d. Garbage and recycling cans.
   e. Benches.
   f. Kiosk, signage and wayfinding.

2. A mobility hub may also provide any of the following facilities and services on site:
   a. Customer service/operations center.
   b. Fare purchase kiosks.
   c. Electric vehicle charging stations.
   d. Electrification to support real-time information displays and EV charging.
   e. Electric conduit installed for future electrification purposes.

f. Passenger pick-up and drop-off areas that are designed to protect pedestrians and bicyclists from vehicle conflicts. Queue areas must provide adequate capacity to prevent vehicles from blocking streets and access corridors.

g. Covered shelters

h. Restroom and shower facility.

i. Bicycle/gear lockers.

j. Car and/or bike share services.

k. Car sharing parking spaces.

l. Shuttle services.

m. Pedestrian lighting.

n. Accommodation of other micromobility services and parking.

o. Other facilities and services to support the mobility hub.

***

3.6.500 Short-Term Rentals.

***

H. Parking. The following parking standard~~s are~~ is required, in accordance with BDC Chapter 3.3:

~~1. The parking requirement for STRs is one paved space per bedroom. In the case of an owner-occupied STR, the parking requirement is either one paved space per bedroom or two spaces for the owners occupying the dwelling unit plus one paved space per approved STR bedroom, whichever is less.~~

~~2.~~ 1. ~~Each on-site parking space is required to be a minimum of 20 feet deep by nine feet wide.~~ If on-site parking is provided, each on-site space must be a minimum of 20 feet deep by nine feet wide. Parking spaces may be in a garage or in an otherwise approved parking space on the property, such as a driveway, provided the parking dimension for the spaces are met. New parking spaces are required to be paved and cannot be gravel. The entirety of the parking space must be accommodated on-site such that the space does not cross over the property line. Tandem parking is allowed.

(Amended by the City Council on January 18, 2023)

***

Chapter 3.8

DEVELOPMENT ALTERNATIVES

***

3.8.400 Infill Development

***

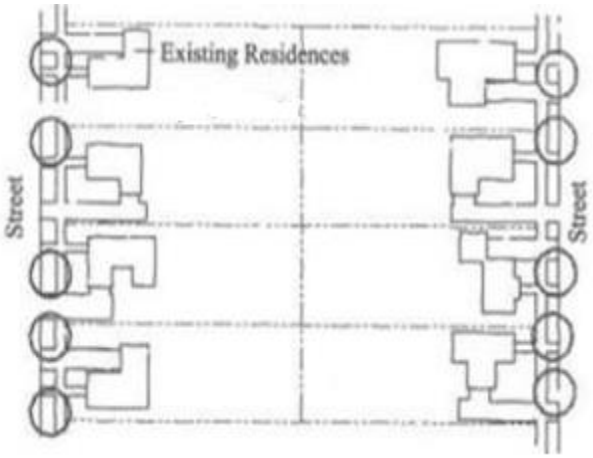
A. Mid-Block Development. Mid-block developments provide an opportunity for the redevelopment of underutilized and oversized lots. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes or shared lanes, as shown in Figure 3.8.400.A.

For the purpose of this subsection, a shared lane provides access from a local street to no more than four dwelling units, not including accessory dwelling units.

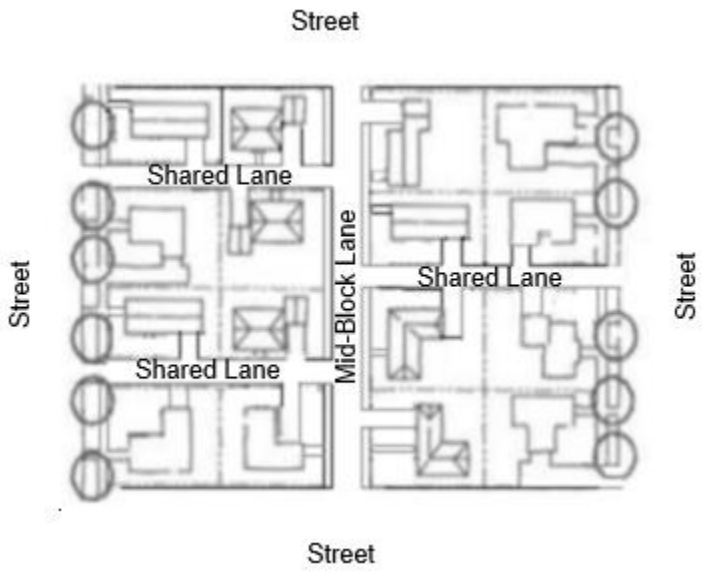
For the purpose of this subsection, a mid-block lane is a narrow private lane providing lot frontage and access for rear lot development.

Figure 3.8.400.A – Mid-Block Development

Before Infill



After Infill



***

~~3. *Shared Lane and Mid-Block Lane Width.*~~

~~a. The minimum pavement width of a shared lane is 20 feet. The property owner must record a public access easement a minimum of 20 feet in width for a shared lane. Parking is not permitted on the shared lane.~~

~~b. The minimum pavement width of a mid-block lane must be 28 feet and it must be recorded as a tract. The property owner must record a public access easement a minimum of 40 feet in width for a mid-block lane, encompassing curbs, sidewalks and lane widths. Parking is permitted on one side of the mid-block lane.~~

~~c. The minimum shared lane and lane widths must be observed except as required by the Uniform Fire Code or by the City Standards and Specifications when public utilities are present.~~

~~4. *Shared Lanes and Mid-Block Lane Improvements.* The shared lanes and mid-block lanes must meet the standards for private streets, per BDC Chapter 3.4, Public Improvement Standards. Curb-tight sidewalks are required on both sides of a mid-block lane. Sidewalks are not required on shared lanes.~~

~~5. *Maximum Shared Lane and Mid-Block Lane Length.*~~

~~a. The maximum shared lane length is subject to requirements of the Uniform Fire Code, but must not exceed 150 feet, without connecting to a mid-block lane.~~

~~b. The maximum length of a mid-block lane must not exceed 600 feet between intersections of a public street. A mid-block lane must connect to public streets at both ends.~~

~~c. The mid-block lane and shared lane must be constructed to meet Oregon Fire Code and Fire Department emergency access standards and required turning radius for emergency vehicles.~~

3. Shared Lane and Mid-Block Lane Requirements.

a. Shared Lane.

i. The maximum shared lane length is subject to requirements of the Uniform Fire Code, but must not exceed 150 feet, without connecting to a mid-block lane.

ii. The minimum pavement width of a shared lane must be 20 feet, recorded as a tract and have a recorded public access easement and public utility easement a minimum of 20 feet in width.

iii. Sidewalks are not required on a shared lane.

iv. Parking is not permitted on a shared lane.

b. Mid-block Lane.

i. The maximum length of a mid-block lane must not exceed 600 feet between intersections of a public street. A mid-block lane must connect to public streets at both ends.

ii. The minimum pavement width of a mid-block lane must be 28 feet, recorded as a tract and have a recorded public access easement and public utility easement a minimum of 40 feet in width encompassing the curbs, sidewalks and lane widths.

iii. Curb-tight sidewalks are required on both sides of a mid-block lane.

iv. Parking is permitted on one side of a mid-block lane.

c. Wider easements and pavement widths may be required to comply with the Uniform Fire Code or with the City of Bend Standards and Specifications when public utilities are present.

d. Shared lanes and mid-block lanes must be constructed to the pavement depth standards for a local street in the City of Bend Standards and Specifications.

e. The mid-block lane and shared lane must be constructed to meet Oregon Fire Code and Fire Department emergency access standards and required turning radius for emergency vehicles.

~~6.~~ 4. Future Street Plans. Building placement and alignment of shared lanes and mid-block lanes must be designed so that future street connections can be made as surrounding properties develop.

~~7. Mid-block lanes do not satisfy the standards of BDC 3.1.200.D, Street Connectivity and Formation of Blocks.~~

5. Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a mid-block development, a set of conditions, covenants and restrictions (CC&Rs) for the development must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas including the mid-block lanes and shared lanes. ***(New requirement to maintain tracts for the shared and mid-block lanes.)***

B. Flag Lots.

***

3. Development Standards. Flag lots must comply with the following standards:

***

e. Residential lots created as flag lots are subject to floor area ratio (FAR) in conformance with BDC ~~2.1400~~ 2.1.700, Maximum Lot Coverage and Floor Area Ratio. For calculating FAR, the flag pole area of the lot is not counted. ***(Revised with correct section.)***

***

C. T-Courts.

***

3. Development Standards. T-courts must comply with the following standards:

a. T-courts ~~must be private streets. Minimum access way width must be 40 feet and~~ must be recorded as a tract and have a recorded public access easement and public utility easement a minimum of 40-foot in width over it. ~~as an easement or a tract. The access width must include public or private utility easements as needed.~~

b. Minimum pavement width must be 24 feet and must be constructed to the pavement standards for a local street in the City of Bend Standards and Specifications

c. The maximum length of the T-court is 150 feet from the property line of the ~~private~~ tract ~~or easement~~ to the end of the T-court and is terminated by a rectangular or "hammerhead" vehicle turnaround. See Figure 3.8.400.C.

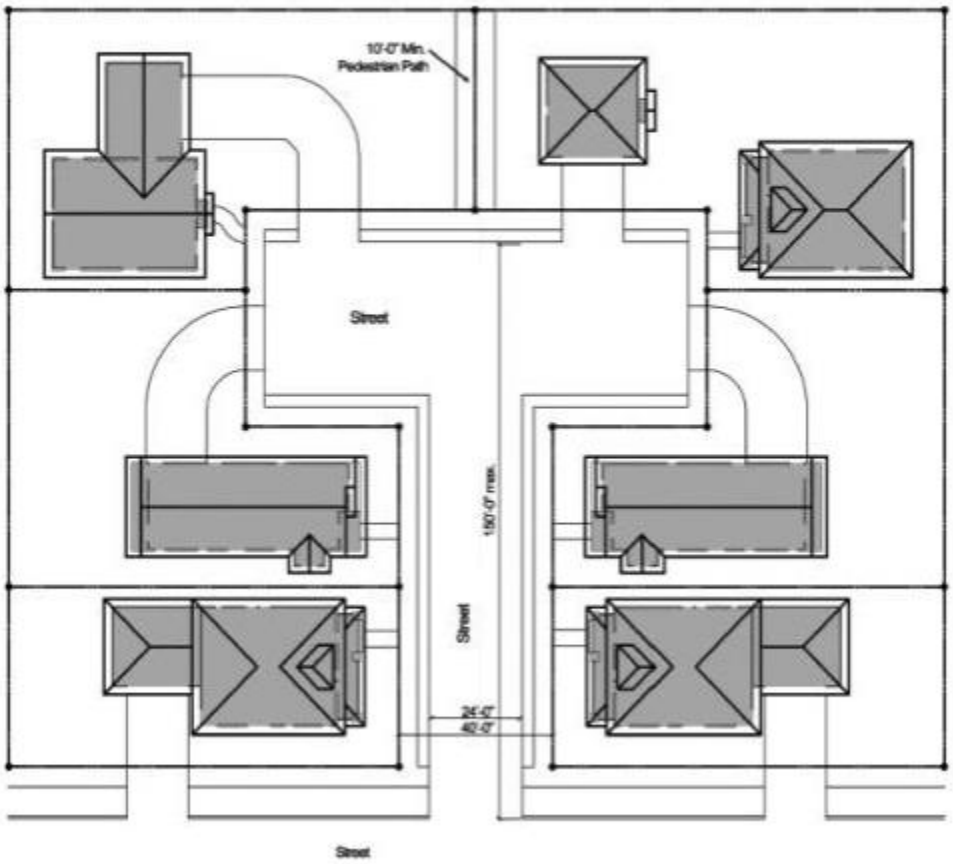
d. No parking is allowed within the T-court. "No Parking" signs are required and must be maintained.

e. A pedestrian pathway, a minimum of 5-feet in width within a 10-foot wide tract or easement, must be provided at the "T" to abutting streets or where appropriate to connect to adjoining development. If the pedestrian pathway connects to abutting streets, a public access easement must be recorded on the property.

f. The T-court must only provide access to lots and parcels that have frontage on the T-court.

g. Sidewalks are required along lot or parcel frontages and must connect to the pedestrian pathway.

Figure 3.8.400.C.



h. Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a T-court development, a set of conditions, covenants and restrictions (CC&Rs) for the development must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide

for maintenance of all common areas including the T-court. ***(New requirement to maintain tract for the T-Court.)***

***

3.8.500 Cottage Housing Development

***

G. Setbacks and Building Separation. Because CHDs are a unique type of development, setbacks are measured differently than for a traditional development. The exterior boundary of the CHD development area is considered to be the edge of the development area for the purposes of calculating perimeter setbacks from surrounding properties, except for garages and carports accessed from a street. For buildings on lots within the CHD, the separation between other on-site buildings is measured, not the distances to interior property lines, unless setbacks from property lines are necessary to meet the building code (interior setbacks).

1. Perimeter Setbacks.

   a. The minimum front setback is 10 feet.

   b. The minimum setback from all other exterior boundary property lines is five feet.

2. Interior Building Separation.

   a. There must be a minimum separation of six feet between the building footprints of the cottages. On cottage sides with a main entrance, the minimum separation is 10 feet. Structures other than cottages must meet minimum building code setback requirements.

3. Garages and Carports. Garages and carports accessed from a street must be setback a minimum of 20 feet. ***(Needs to be added so when a new street is developed within a cottage housing development, the garages are setback so the driveways can provide room for parking without blocking the sidewalks.)***

***

K. Parking. Parking for CHDs must be located on the CHD property and identified on the tentative subdivision plan and/or site plan. On-site parking must meet the following standards:

***

3. Parking must not be located in the perimeter setbacks and must be screened from ~~public~~ streets and adjacent residential uses by a landscape buffer containing landscaping and/or architectural screening. The width of the landscape buffer is the same width as the perimeter setbacks.

***

L. Frontage Requirements. Individual cottage lots created as part of a CHD subdivision are not required to have frontage on a ~~public or private~~ street. However, the development site must have the minimum frontage on a ~~public or private~~ street as required by the underlying zone. ***(Private streets are proposed to be prohibited.)***

****

3.8.900 Cottage Cluster Developments

****

C.. Density.

1. Minimum Density.

   a. RL, RS: Four cottages per acre.
   b. RM-10: Six cottages per acre.
   c. RM: 7.3 Cottage per acre.

   (Amendments required to be consistent with the Comprehensive Plan Densities)

2. Maximum Density. No maximum.

***

F. Lot Width and Depth. The development site must comply with the minimum lot width at the front property line on a ~~public or private~~ street and lot width as required by the underlying zone for a single-unit detached dwelling. Individual cottage lots or parcels created as part of a cottage cluster land division are exempt from lot width and depth requirements and are not required to have frontage on a ~~public or private~~ street. ***(Private streets are proposed to be prohibited.)***

***

H. Setbacks and Building Separation.

1. Setbacks. Because cottage clusters are a unique type of development, setbacks are measured differently than for a traditional development. The exterior boundary of the cottage cluster development site is considered to be the edge of the development site for the purposes of calculating perimeter setbacks from surrounding properties, except for garages and carports accessed from a street. For buildings on lots within the cottage cluster development, the separation between other on-site buildings is measured, not the distances to interior property lines, unless setbacks from property lines are necessary to meet the building code (interior setbacks).

   a. Perimeter Setbacks.

      i. The setbacks must meet the minimum setbacks that apply to detached single unit dwellings in the corresponding zone~~.~~ except as follows:

         (A) ~~Exception:~~ The front and rear setbacks in the RL District is 10 feet except the front setback is 20 feet for garages and carports when they access the street.

***

c. Garages and Carports. Garages and carports accessed from a street must be setback a minimum of 20 feet. ***(Needs to be added so when a new street is developed within a cottage development site, the garages are setback so the driveways can provide room for parking without blocking the sidewalks.)***

***

***

K. Design Standards. Cottage clusters must meet the following design standards. No other design standards apply to cottage clusters unless noted in this section.

***

5. Parking Design.

***

c. Screening. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from ~~public and private~~ streets. ***(Private streets are proposed to be prohibited.)***

****

3.8.1000 Shared Courts.

A. Applicability. Shared courts are permitted in RS, RM and RH Zoning Districts and in the Mixed-Use Zoning Districts where standalone residential uses are permitted in Table 2.3.200, Permitted and Conditional Uses.

***

C. ~~Development~~ Parent Site. Must comply with the minimum frontage requirements of the underlying zone.

D. Shared Court Lots and Parcels.

1. No minimum lot ~~size~~ area or dimensions.

***

3. The setbacks of the underlying zoning district apply except the following front setbacks apply to property lines abutting the private access drive:

a. The minimum front setback is five feet for enclosed livable spaces.

b. Garage entrances accessing the private access drive must be set back at either five feet from the front property line, or a minimum of 20 feet from the front property line. If the garage entrance is set back five feet from the front property line, ~~it may not be located closer to the front property line from the ground floor enclosed livable space of the dwelling unit. See Figure 3.8.1000~~ the ground floor enclosed livable space must not be located more than eight feet from the front property line. ***(This will allow the option to provide weather protection.)***

***

Chapter 4.1
DEVELOPMENT REVIEW AND PROCEDURES

***

4.1.270 Needed Housing.

If the proposed development includes needed housing, the Developer must identify any standard for which it wishes the city to apply the review standards identified as the Discretionary Track. If the Developer requests application of any Discretionary track standard, a Type I application will be elevated to a Type II review.

***

4.1.301 Type I Applications.

A. A Type I application may be handled administratively by the Community and Economic Development Director without public notice or hearing because a Type I decision is neither a land use decision nor a limited land use decision under ORS 197.015.

B. The Community and Economic Development Director may elevate a Type I application to a Type II application when there is a need to interpret or exercise policy or legal judgment, or to apply discretionary land use standards. The Community and Economic Development Director's decision to elevate a Type I application to a Type II application ~~shall~~ is not ~~be~~ an appealable decision.

C. When the applicant elects to use a discretionary track, the application will be elevated to a Type II application (Discretionary Track).

***

Chapter 4.2

MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

***

4.2.400 Minimum Development Standards Review.

A. Minimum Development Standards Review for Single-Unit Detached Dwellings, Townhomes, Accessory Dwelling Units, Duplexes, Triplexes, Quadplexes and Cottage Cluster Developments.

1. Applicability. This section applies to (a) the construction of a new single-unit detached dwelling, townhome, accessory dwelling unit, duplex, triplex, quadplex and cottage cluster developments, or (b) a request for new vehicular access to an existing residential use, or a request to relocate or reconfigure an existing residential vehicular access that does not increase a nonconformity or create a nonconformity. Except as provided in subsection (A)(2)(a) of this section, a dwelling unit is also considered new if the livable space of an existing dwelling unit is increased by 50 percent or more. (Partial to full demolition of the existing dwelling unit's livable space replaced with new square footage of livable space is considered new square footage.)

   A Minimum Development Standards Review application is not required for new construction under subsection (1)(a), above; however, compliance with subsection (A)(3) of this section, Approval Criteria, is required and will be verified through the building permit process. A Minimum Development Standards Review application is not required for new or modified vehicular access to an existing residential use under subsection (1)(b), above, however, compliance with subsection (A)(3) of this section, Approval Criteria, is required and will be verified through the right-of-way permit process.

   When the applicant elects to use a discretionary track, a Minimum Development Standards Review application must be submitted and will be elevated to a Type II application (Discretionary Track).

***

3. Approval Criteria. The Review Authority must approve, approve with conditions, or deny an application for Minimum Development Standards Review based upon the criteria listed below.

***

   b. The following standards are met:

***

iv. Street and Alley Improvements for All Uses Other Than ADUs.

(A) Full street ~~and/or alley~~ improvements must be constructed along the frontages of the property when an improved street ~~and/or alley~~ has been built to the property line unless the Development Services Director grants a waiver of this requirement under BDC 3.4.150, Waiver and Modification of Public Improvement Standards. When a street ~~and/or alley~~ has been built to the property line and is not constructed to City standards, an alternative design may be approved by the City Engineer to match existing improvements. In this case, a waiver under BDC 3.4.150 is not required.

(B) If there is alley access to the property and one or more of the alley driveway approaches are not improved to City of Bend Standards and Specifications, then an alley approach must be improved to City of Bend Standards and Specifications with the proposed development. ***(Amendments help create equality amongst existing alley improvements and to not create stormwater management issues and burden them on one applicant.)***

(C) For properties over one acre in size where future division of the property is allowable, street and/or alley improvements are not required if any portion of the dwelling is located more than 300 feet from an improved street or alley. In such cases, an agreement to not remonstrate against the formation of a local improvement district must be recorded against the property.

***

vi. Driveways and ~~required~~ parking areas must be paved with asphalt, concrete or comparable surfacing; a durable nonpaving material (e.g., grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality or a ribbon driveway may be used in compliance with BDC 3.1.400, Vehicular Access Management. Gravel is not allowed. Driveway apron design and location must conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways. If a driveway is existing and no changes are proposed to the existing driveway and/or existing

parking, then driveway and apron improvements are not required ~~for an ADU~~. ***(Amended by the City Council on January 18, 2023)***

***

viii. Access to the public right-of-way must comply with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, unless exempted by BDC 5.2.100(E). If exempted, the access location may remain but the approach and access area within the right-of-way must be brought up to City standards.

***

B. Minimum Development Standards Review for All Other Uses.

1. Applicability. This subsection applies to ~~development~~ uses identified in 'Permitted and Conditional Use' tables in each zoning district, as well as those uses listed in Chapters 2.7 and 3.8, other than those in subsection (A) of this section where there is one or more of the following: ***(Clarifies what uses, other than those in BDC 4.2.400.A, that may be required to go through MDS.)***

   a. A building expansion of up to 50 percent of the existing building area or up to 5,000 square feet, whichever is less~~; and/or~~.

   b. An outdoor use or parking expansion of up to 50 percent of the existing outdoor use area or parking area or up to 5,000 square feet of new outdoor use area (not including food carts) or parking area, whichever is less. Paving existing gravel is a parking expansion unless the existing gravel parking was previously approved in a land use decision and is not legal non-conforming~~; and/or~~.

   c. A change of use of a building or property that increases demand on public facilities ~~and/or requires new additional parking spaces; and/or~~. A determination that there is an increase in demand on public facilities is made when:

      i. The development will result in an increase of trip generation by 20 percent or 100 average daily trips (ADT); and/or

      ii. The development will require that the water meter or water or sewer laterals be increased in size.

(Amended by the City Council on January 18, 2023)

d. A permanent or semi-permanent stand-alone commercial use no larger than 250 square feet in size on an existing commercial site (e.g., produce stand, food cart and similar uses~~); and/or~~.

e. Relocating or reconfiguring an existing driveway or vehicular access that does not increase a nonconformity or create a nonconformity. ~~All other changes shall be processed as a Type II unless exempted.~~

f. Construction of a detached non-occupied accessory storage structure that is less than 5,000 square feet and less than 50% of the primary structure.

g. Construction of new non-occupied storage structures that is less than 5,000 square feet in existing storage areas.

All other changes must be processed as a Type II unless exempted.

***

3. Approval Criteria. The Review Authority shall approve, approve with conditions, or deny an application for minimum development standards review based upon the criteria listed below.

***

c. The following standards are met:

***

xii. The proposal complies with BDC Chapter 3.5, Other Design Standards. ***(This will require compliance with storm drainage and outdoor lighting standards.)***

***

4.2.500 Site Plan Review.

A. Applicability. Site Plan Review shall apply to all new uses identified in 'Permitted and Conditional Use' tables in each zoning district, as well as those uses listed in Chapters 2.7 and 3.8, ~~new buildings, new outdoor storage or sales areas, new parking lots and other development~~ that exceed~~s~~ the applicability thresholds in BDC 4.2.400, Minimum Development Standards Review.

***

4.2.700 Bonding and Assurances for All Developments.

***

C. Warranty Bond. The developer ~~shall~~ must file with the City a warranty bond executed by a surety company, or other financial security acceptable to the Development Services Director, to cover any public improvements constructed as part of the approved development. The warranty period ~~shall~~ must be one year beginning on the date of initial acceptance of the public improvements by the City. The bond ~~shall~~ must guarantee the workmanship of the public improvements and ~~shall~~ must be in the amount of 12~~0~~ percent of the value of the improvements. The warranty bond ~~shall~~ must be effective for no less than 18 months. ***(Warranty Bonds are 12% of the cost of the project. Performance Bonds are 120%.)***

***

Chapter 4.3

LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

***

4.3.300 Tentative Plan.

***

B. Informational Requirements. A tentative plan must be prepared by a professional land surveyor, a registered professional engineer or a registered landscape architect and contain the information listed below. Some information may be omitted from the tentative plan if it is provided in accompanying materials. No tentative plan will be considered complete unless all the required information is provided.

***

3. Information Concerning Proposed Subdivision, Partition or Replat.

***

5. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in BDC 4.3.300.E, Criteria for Subdivision, Partition or Replat Approval.

***

4.3.700 Expedited and Middle Housing Land Division.

A. Applicability.

***

2. Middle Housing Land Divisions.

a. A middle housing land divisions applies to duplexes, triplexes, quadplexes, or cottage ~~cluster~~ developments. ***(Revised definition of middle housing includes both types of cottage developments.)***

b. A middle housing land division may be submitted when the parent site is developed with middle housing, has an active building permit to construct middle housing or the application for a land division must be reviewed concurrently with a building permit application for construction of middle housing.

***

B. **Preliminary Plat Process for Expedited and Middle Housing Land Divisions.** Unless the applicant requests to use the procedure set forth in BDC 4.3.300, Tentative Plan, the City must use the following procedures for an expedited land division and a middle housing land division.

***

6. Failure to approve or deny application within specified time.

i. After seven days' notice to the applicant, the City Council may, at a regularly scheduled public meeting, act to extend the 63-day time period to a date certain for one or more applications for an expedited land division or middle housing land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380 and ORS 92.031, including the mandamus remedy provided by ORS 197.370(1), shall remain applicable to the expedited land division and middle housing land division, except that the extended period shall be substituted for the 63-day period wherever applicable. ***(Required for clarity in compliance with SB 458)***

***

C. Expedited and Middle Housing Preliminary Plan Submittal Requirements.

***

2. Middle Housing Land Division Submittal Requirements. An application for a middle housing land division must include the following:

***

b. Remodels, additions and alterations to existing buildings and structures require ~~E~~evidence in the form of a written statement provided by a design professional licensed in the state of Oregon and including such professional's stamp/seal and a site plan that demonstrates that all of the buildings

and structures on a resulting lot or parcel comply with applicable building code provisions relating to the proposed property lines and, all of the buildings and structures located on the lots or parcels comply with the Oregon Residential Specialty Code. Any structure built or building permit applied for prior to application for a Middle Housing Land Division would be considered existing for the purpose of this section.

i. Exception:

(A) If the buildings and structures on a resulting lot or parcel are at least three feet from any proposed property line as measured from nearest vertical wall or building footprint, then the required written statement does not need to be by a design professional licensed in the state of Oregon with the professional's stamp/seal.

***

Chapter 4.5

MASTER PLANS

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4.5.200 Community Master Plan.

***

E. Standards and Regulations. Minor and major community master plans must comply with the following standards:

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3. Housing Density and Mix. Community master plans 20 acres or larger must provide a mix of housing types and achieve minimum housing densities in conformance with the standards of subsections (E)(3)(a) and (b) of this section. To the extent that the Bend Comprehensive Plan Chapter 11, Growth Management, proposes a different mix of housing and/or density standards in the specific expansion area policies, then those policies apply.

***

b. Minimum standards are as follows:

i. RL Comprehensive Plan Designation. At least 50 percent of the maximum gross density of the RL Comprehensive Plan designation, with ~~two- and three-unit dwellings, quadplexes, townhomes~~ middle housing and/or multi-unit residential housing units comprising at least 10 percent of total housing units.

ii. RS Comprehensive Plan Designation. At least 70 percent of the maximum gross density of the RS Comprehensive Plan designation, with ~~two- and three-unit dwellings, quadplexes, townhomes,~~ middle housing and/or multi-unit residential housing units comprising at least 10 percent of total housing units.

iii. RM Comprehensive Plan Designation. At least 60 percent of the maximum gross density of the RM Comprehensive Plan designation, with ~~two- and three-unit dwellings, quadplexes, townhomes,~~ middle housing and/or multi-unit residential housing units comprising at least 67 percent of total housing units.

iv. RH Comprehensive Plan Designation. The minimum density of the RH Comprehensive Plan designation applies. Single-unit detached dwellings are not permitted in the RH Zone.

(Revised standard to allow cottage developments to count as a type of housing mix. The revised definition of middle housing includes both types of cottage developments [cottage cluster and cottage housing development]).

***

4. The community master plan must contain a minimum of 10 percent of the gross area as public or private open space such as parks, pavilions, squares and plazas, multi-use paths within a minimum 20-foot wide corridor, areas of special interest, tree preservation areas, or public and private recreational facilities and must comply with the following:

a. The open space area must be shown on the conceptual site plan and recorded with the final plat or separate instrument.

b. The open space must be conveyed in accordance with one of the following methods:

i. By dedication to the Park District or City as publicly owned and maintained open space. Open space proposed for dedication to the Park District or City must be acceptable with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities; or

ii. By leasing or conveying title (including beneficial ownership) to a corporation, owners association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the City. Private open space must be located in a tract and include an open space easement.

c. Adequate guarantee must be provided to ensure permanent retention of common open space and recreation areas which may be required as conditions of approval.

d. The open space must be open to the public and must not be fenced-off unless it is related to a park or approved public or private recreational facility including, but not limited to, tennis courts, swimming pools, driving ranges and ball fields. ***(Make it clear that the open space can't be completely fenced off and not available to the public if it is going to count towards the 10% requirement.)***

***

Chapter 4.7

TRANSPORTATION ANALYSIS

Sections:

4.7.700 Proportionate Share Contribution.

4.7.100 Purpose.

The City will review proposed development to ensure the transportation system provides for:

- Consistency with the Bend Comprehensive Plan.
- Orderly construction of the ~~Bend Urban Area~~ Transportation System Plan network of streets and walking, biking and transit facilities.
- Safety and operations.

Therefore, the City requires applicants to complete an assessment of the transportation system within the study area of the proposed development for adequacy to serve the proposed development and to assess the impacts of the proposed development on the nearby transportation system. The City will use these assessments to ensure safety and operations of the transportation system are met for vehicle, biking, walking and transit and may impose conditions and mitigation requirements on the proposed development in proportion to its impacts.

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4.7.400 Transportation Facilities Report.

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B. Contents of the Transportation Facilities Report. The Transportation Facilities Report must contain the following information organized as follows:

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6. Transportation Facilities Evaluation. The report must evaluate and document the following for compliance with this code, the Transportation System Plan and the City of Bend Standards and Specifications:

***

b. The following right-of-way information along the frontage of the proposed development:

i. Compliance with the required right-of-way width for the roadway classification.

ii. Compliance with the required street widths.

iii. Compliance with the required right-of-way or easement width for all trail and access corridors including bicycle low stress routes and crossings and other connector routes and crossings as identified in the City of Bend Standards and Specifications.

iv. Compliance with the required street frontage elements including curbs, bike facilities, park strips, sidewalks/multi-use paths, driveways and driveway aprons, as well as curb ramps. All applicable elements must be accessible per the City of Bend Standards and Specifications.

***

8. Walking, Biking and Transit.

a. Public and Private Schools (K-12), Colleges and Universities. Provide an analysis of walking, biking and transit facilities along and across arterial and collector roadways which accommodate safe, accessible and direct access to and from the school. Elementary schools must analyze the facilities within one mile of the school. All other schools, colleges and universities must analyze the facilities within 1.5 miles of the school.

b. All Other Uses. Provide an analysis of walking, biking and transit facilities, including street crossings, access corridors and access ways, which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi~~family~~-unit developments, planned developments, shopping centers, and commercial districts to adjacent residential areas within one mile, to transit facilities within one-quarter of a mile, to existing or planned mobility hubs identified in the Transportation System Plan Figure 5-2 within one-quarter of a mile and to existing or planned neighborhood activity centers within one-half mile of the development. Neighborhood activity centers includes, but are not limited to, parks, shopping areas, or employment centers. Proposed residential developments must also provide the analysis to elementary schools within one mile and all other schools, colleges and universities within 1.5 miles of the proposed development including development of a Safe Routes to School Plan.

c. All uses. Identify if any street within or abutting the development site is in alignment with a bicycle low stress route identified in the Transportation System Plan Figure 5-1, Bicycle Low Stress Network and the Connector Routes and Crossings Map identified in the City of Bend Standards and Specifications and determine how to meet the required Level of Traffic Stress 1 or 2.

9. Discretionary Track. Identify any proposed waivers in compliance with BDC 3.4.150, Waiver and Modification of Public Improvement Standards and any deviations from the City of Bend Standards and Specifications.

***

C. City Review and Evaluation.

1. If any of the infrastructure or facilities are missing or substandard as identified in the Transportation Facilities Report, then the applicant will be required to upgrade the infrastructure to comply with BDC Title 3, Design Standards, and with the City of Bend Standards and Specifications.
2. Based on information provided in the Transportation Facilities Report, the City Engineer will notify the applicant in writing if the report is complete, and if not, what additional evaluation information is required. If no additional information is needed, the City Engineer will notify the applicant whether a Transportation Impact Analysis is required based on the following criteria:
   a. Operations.

      i. Clear and Objective Track and Discretionary Track.

         The current or projected increase in trip generation of the roadway system in the vicinity of the proposed development will exceed the minimum operational criteria in BDC 4.7.500(B)(6).

      ii. Discretionary Track.

         (A) Substandard roadway configuration and/or alignment, or capacity deficiencies that are likely to be compounded as a result of the proposed development;

         (B) Proposed street design creates inadequate circulation and does not minimize cut-through traffic or accommodate orderly development of adjacent properties; and

         (C) Potential improvements to accommodate freight.

   b. Safety.

      i. Projected increase in trip generation that will impact the safety of the existing transportation system; and

ii. A traffic safety hazard is created or exacerbated on any street, roadway segment, or intersection within the study area as a direct result of the proposed development.

c. Walking, Biking and Transit Facilities.

i. Impacts to priority walking and biking routes, school routes, transit connectivity and multimodal street improvements identified in the Transportation System Plan including bicycle low stress routes identified in the Transportation System Plan Figure 5-1, Bicycle Low Stress Network and the Connector Routes and Crossings Map identified in the City of Bend Standards and Specifications;

ii. Bike and/or pedestrian access to site has gaps and/or the bike lane or sidewalk is dropped, missing, or otherwise unusable; and

iii. Identified transit facilities and/or their pedestrian paths of travel between the transit facility and the site and to the buildings on site are not complete.

3. In all instances, a Transportation Impact Analysis must be submitted for any proposed development that:

a. Considers modification, installation, or removal of any traffic control device;

b. Forecasts net increase in site traffic volumes greater than 700 average daily vehicle trips or off-site major intersections within one mile are impacted by 50 or more peak-hour vehicle trips; or

c. Contains a safety issue including one or more fatalities or severe injury crashes, one or more reported crashes per 1,000,000 entering vehicles, or if any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or Bend Transportation Safety Action Plan ~~or the City's Arterial and Collector Multimodal Safety Study~~.

4. No off-site improvements will be required as a condition of approval when a Traffic Impact Analysis is not required for the Clear and Objective Track.

4.7.500 Transportation Impact Analysis.

***

B. Contents of the Transportation Impact Analysis Report. The Transportation Impact Analysis must contain the following information organized as follows:

***

9. Walking, Biking and Transit.

a. Projects are considered to have significant impacts for purposes of BDC 4.7.600 if:

i. A project fails to provide accessible and safe pedestrian and bike connections (i.e., curb extensions, pedestrian refuges, striping and/or signage) to schools, adjacent residential areas, transit facilities, adjacent streets and to existing or planned neighborhood activity centers; or

ii. The project disrupts existing or planned biking or walking facilities or conflicts with the adopted ~~Bend Urban Area Bicycle and Pedestrian~~ Transportation System Plan facility maps; or

iii. The level of traffic stress 1 or 2 is not achieved for a bicycle low stress route or crossings.

***

4.7.600 Significant Impacts and Mitigation Measures.

***

F. Mitigation Measures. Mitigation measures must consider all users and mitigate the impacts of the proposed development.

***

2. The following mitigation measures may be proposed by the applicant for the Discretionary Track:

***

b. Walking, Biking and Transit. In addition to accommodating walking and biking as part of the intersection and street improvement mitigation, walking, biking and transit improvements may be considered as potential mitigation measures, particularly when they reduce the number of study area generated vehicle trips or reduce the level of traffic stress to achieve 1 or 2. Mitigation improvements may include accessible sidewalks, pedestrian refuges, bike lanes, curb extensions,

traffic control devices, curb ramps, striping, signage and other elements. Negative impacts of intersection and street mitigation measures on walking and biking infrastructure, such as on crosswalks and roadway shoulders, must be avoided, minimized, and/or mitigated themselves. The City may require accessibility improvements, including compliant curb ramps along the proposed development and including safe and accessible paths of travel to and from the proposed development, depending on the type and impacts of the proposed development.

***

4.7.700 Proportionate Share Contribution.

Each proposed development that submits a Transportation Impact Analysis will be required to contribute a proportionate share of the costs of the final improvements to the transportation system that will be required as a result of the cumulative impact that various developments combined will have on the intersections.

Proposed developments must contribute their proportionate share or contribution for all collector and collector, arterial and arterial, or collector and arterial intersections, and intersections identified on the TSP list for an intersection improvement ~~but not on the System Development Charge (SDC) list within the study area~~.

Exception: Intersections within the study area that are included in the City's Capital Improvement Plan or that are on the most current SDC fiscally constrained project list are exempt from proportionate share contribution. ***(Relocated from below.)***

The City may use the proportionate share contributions for multi-modal improvements on the transportation corridor and surrounding system if the improvement project benefits safety and operations and helps to reduce congestion.

Proportionate share calculations must be submitted with the Transportation Impact Analysis. Proportionate share calculations are calculated based on the ratio of development trips to growth trips for the anticipated cost of the full ~~Bend Urban Area~~ Transportation System Plan intersection infrastructure. The formula is provided below:

Proportionate Share Contribution = ~~[Net New Trips/(Planning Period Trips - Existing Trips)] x Estimated Construction Cost~~ [New PM Peak Hour trips / (New PM Peak Hour Trips + Existing PM Peak Hour Trips)] x Estimated Construction Cost of Fix

(The purpose of the change is to more easily identify and calculate impacts that new trips from development will have on the transportation system. The existing formula applies too much weight

on non-peak hour periods and has a too generic of definition of accounting with the term planning period trips.)

Net new trips are the total entering trips that are proposed to be added to the study area intersection by the proposed development.

~~Exception: Intersections within the study area that are included in the City's Capital Improvement Plan or that are on the most current SDC fiscally constrained project list are exempt from proportionate share contribution.~~ ***(Relocated further up in this section.)***

***

Chapter 4.8

TRANSPORTATION AND PARKING DEMAND MANAGEMENT (TPDM) PLAN

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4.8.500 Submittal Requirements

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Table 4.8.500 – Trip ~~and Parking~~ Reduction Measures

(All other measures in Table 4.8.500 remain the same)

Facility Provision Measures	**Trip Generation Reduction Rate**	**~~Parking Reduction~~**
Project provides a mobility hub, as defined in BDC Chapter 1.2, Definitions and in compliance with BDC 3.6.300.D, Mobility Hub.	5%	~~5%~~

(Amended by the City Council on January 18, 2023)

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Chapter 4.9

ANNEXATIONS

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4.9.300 Review Procedures.

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B. Development Review Requirements.

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2. Properties located within an approved area plan must comply with the following prior to or concurrently with annexation:

    a. An applicant must provide a development proposal (e.g., site plan review or land division) for the entire property for evaluation of compliance with the applicable approval criteria (e.g., a site plan review proposal is subject to BDC 4.2.500.D and a land division is subject to BDC 4.3.300.E, and specific expansion area policies in the Bend Comprehensive Plan Chapter 11, Growth Management.

    b. In lieu of a master plan application for any property or combination of adjacent properties under common ownership totaling 20 acres or larger, the applicable <u>minor</u> master plan approval criteria in BDC Chapter 4.5, Master Plans, will be assessed along with the approval criteria of the respective development proposal cited above in subsection (B)(2)(a) of this section. ***(Added "minor" to clarify what approval criteria is required.)***

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Chapter 5.1

VARIANCES

***

5.1.400 Class C Variances.

A. Purpose. A variance request can be specific to certain aspects of development. The purpose of this section is to provide specific criteria for reviewing certain variance requests. The specific situations identified as Class C Variances include:

~~1. Variance to vehicular access and circulation standards.~~ ***(Relocate to #4 below to match numbering order in 5.1.400.B)***

1. ~~2.~~ Variance to parking standards.

2. ~~3.~~ Variance to maximum or minimum on-site development requirements to reduce tree removal and/or impacts to wetlands (Waterway Overlay Zone).

3 .~~4.~~ Variance to maximum height.

4. ~~5. Variance to transportation improvement requirements.~~ Variance to vehicular access and circulation standards.

~~6. Variance for deviations regarding access to State highways.~~

5. ~~7~~. Floodplain Sub-Zone variances.

***

B. Class C Variance Criteria. Class C variance requests are reviewed using the specific criteria listed below.

***

~~4. Variance to Transportation Improvement Requirements. The City may approve, approve with conditions, or deny a variance to the transportation improvement standards of BDC Chapter 3.4, Public Improvement Standards, based on the criteria for granting variances provided in BDC 3.4.200(B) (transportation improvement standards).~~

Variance to Vehicular Access and/or On-Site Circulation Standards. The City may approve a variance to the vehicular access and/or on-site circulation standards when the following criteria are met: ***(Currently this type of variance request does not include any criteria).***

a. Vehicular Access Criteria:

   i. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement.

   ii. There are no alternative areas to access the site from the street in question or from another street or alley.

   iii. The request is the minimum variance required to provide adequate access.

   iv. The approved access or access approved with conditions will result in a safe access as determined by the City Engineer.

b. On-Site Circulation Standards Criteria:

   i. The request is required due to the lot configuration, or other physical conditions or development constraints of the site.

   ii. The request is the minimum variance required to provide adequate circulation.

   iii. The request does not reduce the aisle width dimensions in Table 3.3.300.E.1, Parking Stall Dimensions when there are abutting parking stalls.

c. Vehicular Access and/or On-Site Circulation Standards:

   i. The clear vision requirements of BDC 3.1.500 Clear Vision Areas will be met.

   ii. The variance does not create a burden on the City's Fire Department for firefighting requirements.

Variance for deviations regarding access to State Highways are subject to review and approval by the Oregon Department of Transportation.

~~5. Variance for deviations regarding access to State Highways shall be subject to review and approval by the Oregon Department of Transportation.~~

~~6~~5. Variances to Floodplain Sub-Zone.

a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size that is contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (B)(~~6~~5)(a)(i) through (xi) of this section have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases. The City ~~shall~~ must approve, approve with conditions, or deny an application for a variance based on all of the following criteria:

***

b. A variance may be issued for the reconstruction, rehabilitation, or restoration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places per this subsection (B)(~~6~~5).

~~*~~**

Chapter 5.2

NONCONFORMING USES AND DEVELOPMENTS

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E. Nonconforming street access connections that exist prior to the adoption of this code and that do not conform with standards in BDC Chapter 3.1 must be brought into compliance when one or more of the following conditions exist:

1. When a new access ~~permit~~ or driveway is requested for the subject property;

2. When a building permit or land use application is submitted that results in an increase of trip generation by 20 percent or 100 average daily trips (ADT);

3. When the existing, nonconforming street access or driveway, or the structure being served by the nonconforming street access or driveway is demolished or destroyed by any means to an extent

more than 80 percent of its current assessed value or where at least 80 percent of the access or structure's square footage is removed or destroyed, unless access to an existing permanent garage structure would be removed; or

4. When the property is subject to site plan review, a land division or a conditional use permit.

***

5.2.200 Nonconforming Structures.

Where a structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this code by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure, and the structure was lawful when constructed, the structure may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

A. Alteration.

1. If an applicant proposes to reduce the nonconformity of the structure or alters the structure in a way that does not increase the nonconformity of the structure, the application ~~shall~~ must be reviewed using the applicable review process ~~(either Development Review or Architectural Design Review)~~ in BDC Chapter 4.2, Minimum Development Standards Review (MDS), Site Plan Review and Design Review. ***(Clarify that additions that comply with the BDC are allowed if they are not increasing the nonconformity.)***

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